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ABSTRACT

This pamphlet is intended to be nothing more than a compilation of the statutes of Texas dealing with libraries and librarians. It is for the convenience of those connected with or interested in libraries and is not meant to be relied upon to settle complex legal issues. The present publication is an expansion and revision of an earlier compilation done in 1968. The staff of the Texas State Library has had the assistance of the Legislative Reference Library in bringing out this new publication. (Author)

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LIBRARY LAWS OF TEXAS

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TEXAS STATE LIBRARY

1972

FOREWORD

This pamphlet is intended to be nothing more than a compilation of the statutes of Texas dealing with libraries and librarians. It is for the convenience of those connected with or interested in libraries and is not meant to be relied upon to settle complex legal issues. The present publication is an expansion and revision of an earlier compilation done in 1968. The staff of the Texas State Library has had the assistance of the Legislative Reference Library in bringing out this new publication.

Dorman H. Winfrey
Director-Librarian
Texas State Library

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LIBRARY LAWS OF TEXAS

TEXAS REVISED CIVIL STATUTES, 1925,
AS AMENDED THROUGH 1971

ARCHIVES

ARTICLE 256. HISTORICAL ARCHIVES

All books, pictures, papers, maps, documents, manuscripts, memoranda and data which relate to the history of Texas as a province, colony, Republic or State, which have been or may be delivered to the State Librarian by the Secretary of State, Comptroller, Land Commissioner or by any head of any department, or by any person or officer, in pursuance of law, shall be deemed books and papers of the State Library and shall constitute a part of the archives of said State Library; and copies therefrom shall be made and certified by the State Librarian, or by the person serving as Archivist of the Texas State Library, upon application of any person interested, which certificate shall have the same force and effect as if made by the officer originally in custody of them. Acts 1907, p. 283; Acts 1943, 48th Leg., p. 267, ch. 165, sec. 1.

ARTICLE 259. UNIVERSITY ARCHIVES

The Librarian of the University of Texas and the Archivist of the Department of History of said University are hereby authorized to make certified copies of all public records in the custody of the University of Texas, and said certified copies shall be valid in law and shall have the same force and effect for all purposes as if certified to by the county clerk or other custodian as now provided for by law. In making the certificate to the said certified copies, either by the librarian or by the archivist of the Department of History, the said officer shall certify that the foregoing is a true and correct copy of said document, and after signing the said certificate shall swear to the same before any officer authorized to take oaths under the laws of this State. Acts 1921, p. 94.

ARTICLE 260. LOAN OF ARCHIVES

County Commissioners and other custodians of public records are herby authorized, in their discretion, to lend to the Library of the University of Texas, for such length of time and on such conditions as they may deter-

mine, such parts of their archives and records as have become mainly of historical value, taking a receipt therefor from the librarian of such University; and the librarian of said University is hereby authorized to receipt for such records as may be transferred to the said Library, and to make copies thereof for historical study. Id.

BOARD OF CONTROL

ARTICLE 630b. OFFICIAL REPORTS PRINTED ONLY WITH CONSENT OF GOVERNOR OR BOARD OF CONTROL

That hereafter any report or reports required by Law to be made by any State Officer, Board or Department of this State shall be made as directed by Law except the same shall not be printed unless with the advice and consent of the Governor or Board of Control. A typewritten or similar copy of said report shall be given to the Governor and Board of Control and State Auditor and State Library. Acts 1931, 42nd Leg., p. 104, ch. 69, sec. 1.

ARTICLE 678m(19a) LEGISLATIVE REFERENCE LIBRARY

The legislative reference library shall be kept and maintained in the State Capitol, and shall include an up-to-date law library. Acts 1955, p. 1298, ch. 514; Amended Acts, 1969, 61st Leg., Regular Session, Ch. 55, p. 154.

ARTICLE 678m-2. STATE ARCHIVES AND LIBRARY BUILDING

Section 1. Notwithstanding other provisions of law, the Legislature may appropriate money from the Motor Vehicle Inspection Fund for the purpose of constructing and initially equipping a building to be known as the "State Archives and Library Building" to house the State Library and the State Archives, Museum and Land Office, including the purchase of a site therefor; and for the purpose of paying the expenses of the Fifty-fifth Legislature, as described in Chapter 1, Acts of the Fifty-fifth Legislature, Regular Session, as amended. Provided that the Present Legislative Reference Library now housed in the Capitol Building shall not be removed therefrom, but shall be maintained in the space now assigned to the State Library, the Supreme Court Library and the Legislative Reference Library upon removal of the Supreme Court Library to the Supreme Court Building now under construction. As amended Acts 1957, 55th Leg., 2nd C.S., p. 181, ch. 21, sec. 2.

Section 2. The State Building Commission is hereby authorized and empowered to expend any funds which may be appropriated to it from the Motor Vehicle Inspection Fund for the purpose stated in Section 1 of this Act, and to purchase the site and to plan, construct, and initially equip the building, subject to such direction as may be set out in the Act making the appropriation. The State Building Commission shall consult with and seek the advice of the Texas State Historical Survey Committee or its successor as to the plans and location of such building.

Section 3. All laws in conflict herewith are hereby repealed to the extent of such conflict. This Act shall not repeal the authority of the Public Safety Commission to use balances in the Motor Vehicle Inspection Fund for such purposes as may be authorized by law, but the amounts appropriated by the Legislature pursuant to this Act shall be deducted in determining the amount of the balance remaining in such fund which is subject to disposition by the Public Safety Commission. Acts 1957, 55th Leg., p. 615, ch. 274.

BONDS

ARTICLE 835m. MUNICIPAL LIBRARIES: . . . VALIDATION OF BONDS

Section 1. All bonds heretofore voted by any incorporated city or town, including home rule cities, for the purpose of enlarging and improving a municipally owned and operated library building or constructing a new municipal library building, either or both, and all proceedings relating thereto, are hereby in all things validated, ratified, approved, and confirmed, notwithstanding the fact that the election may not in all respects have been ordered and held in accordance with mandatory statutory provisions ... Such bonds, when approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas, and sold and delivered for not less than their par value plus accrued interest, shall be binding, legal, valid, and enforceable obligations of such city or town and shall be incontestable. Provided, however, that this Act shall apply only to such bonds which were authorized at an election or elections wherein a majority of the qualified property tax-paying voters whose property had been duly rendered for taxation voted in favor of the issuance thereof.

Section 2. This Act shall not be construed as validating any such bonds or proceedings, the validity

of which has been contested or attached in any suit or litigation pending at the time this Act becomes effective. Acts 1953, 53rd Leg., p. 2, ch. 2.

CITIES, TOWNS, AND VILLAGES

ARTICLE 1015(33). CITIES

The governing body shall also have power: . . . To establish a free library in such city or town; to adopt rules and regulations for the proper management thereof, and to appropriate such part of the revenues of such city or town for the management and increase of such free library as the municipal government of such city or town may determine.

ARTICLE 1109b. EMINENT DOMAIN

Incorporated cities and towns shall have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to wit:

To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary and to take any private property within or without the city limits for any of the following purposes, to wit: . . . libraries, . . . and to acquire lands within and without the city for any other municipal purposes that may be deemed advisable.

. . . that the power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. Acts 1925, 39th Leg., p. 344, ch. 137, sec. 1; Acts 1945, 49th Leg., p. 379, ch. 243, sec. 1.

ARTICLE 1175(15). ENUMERATED POWERS

Cities adopting the charter or amendment hereunder shall have full power of local self-government, and among the other powers that may be exercised by any such city the following are hereby enumerated for greater certainty:. . . . To have the power to appropriate private property for public purposes whenever the governing authorities shall deem it necessary; to take any private property within or without the city limits for any of the following purposes; . . . libraries, . . . and to acquire lands within and without the city for any other municipal

purposes that may be deemed advisable . . . . The power of eminent domain hereby conferred shall include the right of the governing authority, when so expressed, to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes . . . . Acts 1913, p. 307; Acts 1921, p. 169; Acts 1963, 58th Leg., p. 447 ch. 160, art. II.

ARTICLE 1269j-4.1, Sec. 1-10 CONSTRUCTION OF CIVIC CENTERS

Section 1. This Act shall be applicable to all incorporated cities, including Home Rule Cities, having a population of eight thousand five hundred (8,500) or more according to the last preceding federal census.

Section 2. Any such city is hereby authorized to establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate or maintain (any or all) public improvements such as civic centers, civic center buildings, auditoriums, opera houses, music halls, exhibition halls, coliseums, museums, libraries, or other city buildings (either or all), and to establish, acquire, lease as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate or maintain (any or all) structures, parking areas, or facilities, located at or in the immediate vicinity of such public improvements, to be used in connection with such public improvements for off-street parking or storage of motor vehicles or other conveyances.

Section 3. (a) Any such city is hereby authorized to issue negotiable revenue bonds to provide all or part of the funds for the establishment, acquisition, purchase, construction, improvement, enlargement, equipment or repair (any or all) of public improvements such as civic centers, civic center buildings, auditoriums, opera houses, music halls, exhibition halls, coliseums, museums, libraries or other city buildings, either or all, and the establishment, acquisition, purchase, construction, improvement, enlargement, equipment or repair (any or all) of structures, parking areas or facilities, located at or in the immediate vicinity of such public improvements, to be used in connection with such public improvements for off-street parking or storage of motor vehicles or other conveyances.

(b) Such revenue bonds may be issued when duly authorized by an ordinance passed by the governing body of such city and shall be secured by a pledge of and be payable from all or any designated part of the revenues of said public improvements or said parking

or storage facilities, as may be provided in the ordinance or ordinances authorizing the issuance of such bonds. To the extent that such revenues may have been pledged to the payment of revenue or revenue refunding bonds which are still outstanding, the pledge securing the proposed bonds shall be inferior to the previous pledge or pledges. Within the discretion of the governing body of the city, and subject to limitations contained in previous pledges, if any, in addition to the pledge of revenues a lien may be given on all or any part of the physical properties acquired out of the proceeds from the sale of such bonds.

(c) When any of the revenues of such public improvements and facilities are pledged to the payment of bonds issued under this Act, it shall be the duty of the governing body of the city to cause to be fixed, maintained and enforced charges for services rendered by properties and facilities, the revenues of which have been pledged, at rates and amounts at least sufficient to comply with and carry out the covenants, and provisions contained in the ordinance or ordinances authorizing the issuance of said bonds.

(d) If any such city leases as lessee any one or more such public improvements, structures, parking areas or facilities, such city shall have authority to pledge to the lease payments required to be made by such city all or any part of the revenues of such public improvements, structures, parking areas or facilities.

Section 4. The owners or holders of such revenue or revenue refunding bonds shall never have the right to demand payment of either the principal of or interest on such bonds out of any funds raised or to be raised by taxation, except as to room taxes, if pledged.

Section 5. In the ordinance or ordinances authorizing the issuance of any revenue or revenue refunding bonds authorized hereunder, the city may provide for the flow of funds, the establishment and maintenance of the interest and sinking fund or funds, reserve fund or funds, and other funds, and may make additional covenants with respect to the bonds and the pledged revenues and the operation and maintenance of those improvements and facilities, the revenues of which are pledged, including provision for the operation or for the leasing of all or any part of said improvements or facilities and the use or pledge of moneys derived from such operation contracts and leases, may deem appropriate. Such ordinance or ordinances may also prohibit the further issuance of

bonds or other obligations payable from the pledged revenues, or may reserve the right to issue additional bonds to be secured by a pledge of and payable from said revenues on a parity with, or subordinate to, the lien and pledge in support of the bonds being issued, subject to such conditions as are set forth in said ordinance or ordinances. Such ordinance or ordinances may contain other provisions and covenants, as the city may determine, not prohibited by the Constitution of Texas or by this Act, and the city may adopt and cause to be executed any other proceedings or instruments necessary or convenient in the issuance of any of said bonds.

Section 6. From the proceeds of sale of any bonds issued hereunder, the city may appropriate or set aside, out of the bond proceeds an amount for the payment of interest expected to accrue during the period of construction, an amount or amounts to be deposited into the reserve fund or funds as may be provided in the bond ordinance or ordinances, and an amount necessary to pay all expenses incurred and to be incurred in the issuance, sale, and delivery of the bonds. Until such time or times as the bond proceeds are needed to carry out the bond purpose, such bond proceeds may be invested in direct obligations of the United States of America or may be placed on time deposit, or both. Moneys in the interest and sinking fund or funds, in the reserve fund or funds, and in any other fund or funds established or provided for in the bond ordinance or ordinances may be invested in such manner and in such securities as may be provided in the bond ordinance or ordinances.

Section 7. All bonds shall be signed by the Mayor of the city and countersigned by the City Secretary or City Clerk, and shall have the seal of the city impressed thereon; provided, that the bond ordinance or ordinances may provide for the bonds and any attached interest coupons to be signed by facsimile signatures and for the seal of the city on the bonds to be a facsimile as provided by Acts 1961, 57th Legislature, page 406, Chapter 204 (Article 717j-1, V.A.C.S.). Such bonds shall mature serially or otherwise in not to exceed forty (40) years from their date or dates and may be sold at a price and under such terms determined by the governing body of the city to be the most advantageous reasonably obtainable, provided that the interest cost to the city, calculated by the use of standard bond interest tables currently in use by insurance companies and investment houses, does not exceed six percent (6%) per annum, and within the

discretion of the governing body such bonds may be callable prior to maturity at such time or times and at such price or prices as may be prescribed in the ordinance or ordinances authorizing such bonds. Any such bonds may be made registrable as to principal, or as to both principal and interest. All bonds issued hereunder and the record relating to their issuance shall be submitted to the Attorney General of the State of Texas for his examination as to the validity thereof, and after said Attorney General has approved the same, such bonds shall be registered by the Comptroller of Public Accounts of the State of Texas. When such bonds have been approved by the Attorney General, registered by the Comptroller of Public Accounts, and delivered to the purchasers, they shall thereafter be incontestable except for forgery or fraud.

Section 8. Any city to which this Act applies shall have the power and authority to issue revenue refunding bonds similarly secured to refund either original bonds or revenue refunding bonds theretofore issued by such city under this Act, and such refunding bonds shall bear interest at the same or lower rate or rates than that of the bonds refunded unless it is shown mathematically that a saving will result in the total amount of interest to be paid. Refunding bonds shall be authorized by ordinace or ordinances and shall be executed and shall mature as is provided in this Act for original bonds. They shall be approved by the Attorney General as in the case of original bonds, and shall be registered by the Comptroller of Public Accounts upon the surrender and cancellation of the bonds to be refunded, but in lieu thereof the ordinance or ordinances authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the place or places where the underlying bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on and principal of the underlying bonds to their option or maturity date, and the Comptroller of Public Accounts shall register them without the surrender and cancellation of the underlying bonds. All such refunding bonds, after they have been approved by the Attorney General and registered by the Comptroller of Public Accounts, shall be incontestable except for forgery or fraud.

Section 9. All bonds issued under this Act, whether original bonds or refunding bonds, shall be and are hereby declared to be, and to have all the qualifications of, negotiable instruments under the Negotiable Instrument Act of the State of Texas, and all such bonds shall be and are hereby declared to be legal and authorized investments for banks, saving banks, trust companies, building and loan associations, insur-

ance companies of every kind or type, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

Section 10. This Act is cumulative of all existing laws of the State of Texas, but to the extent that such existing laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall govern and prevail; and this Act shall take precedence over any and all conflicting or inconsistent city charter provisions. Acts 1965, 59th Leg., p. 148, ch. 63; Acts 1967, 60th Leg., p. 1239, ch. 563; Acts 62nd Leg., p. 1809, ch. 536.

COUNTY LIBRARIES

ARTICLE 1677. AUTHORITY TO ESTABLISH

The commissioners court of any county may establish, maintain, and operate within their respective counties, county free libraries in the manner and with the functions prescribed in this title. The said court shall also have the power and authority to establish in cooperation with another county or counties a joint free county library for the benefit of the cooperative counties. Acts 2nd C.S. 1919, p. 219.

ARTICLE 1678. TERRITORY

The commissioners court of any county may establish county free libraries for that part of such county lying outside of the incorporated cities and towns already maintaining free public libraries and for such additional parts of such counties as may elect to become a part of or to participate in such county free library system. On their own initiative, or when petitioned to do so by a majority of the voters of that part of the county to be affected, said court shall proceed to establish and provide for the maintenance of such library according to the further provisions of this title. The county library shall be located at the county seat in the court house, unless more suitable quarters are available. Id.

ARTICLE 1679. TAX FOR MAINTENANCE

The commissioners courts are hereby authorized to set aside annually from the General Tax Fund, or the Permanent Improvement Fund of the county, as the said Court may determine, sums for the maintaining of free county libraries and for the erection of permanent improvements and the securing of land for free county libraries, but not to exceed twelve cents (12¢) on the One Hundred Dollar ($100) valuation of all property in such county outside of all incorporated cities and towns already supporting a free public library, and upon all property within all incorporated cities and towns already supporting a free library, and upon all property within all incorporated cities and towns already supporting a free public library which have elected to become a part of such free library systems provided in Title 35 of Revised Civil Statutes, for the purpose of maintaining county free libraries and for purchasing property therefor. Acts 2nd C.S. 1919, p. 219; Acts 1947, 50th Leg., p. 765, ch. 378, sec. 1; Acts 1959, 56th Leg., p. 282, ch. 158, sec. 1.

ARTICLE 1680. GIFTS AND BEQUESTS

The commissioners court is authorized and empowered to receive on behalf of the county any gift, bequest, or devise for the county free library, or for any branch or subdivision thereof. The title to all property belonging to the county free library shall be vested in the county, but where the gifts or bequests shall be made for the benefit of any branch or branches of the county free library, such gifts or bequests shall be administered as designed by the donor. Id.

ARTICLE 1681. EXISTING LIBRARIES

In any county where a farmers' county library has been established as provided by former laws the same shall continue to operate as a farmers' county library, unless a county free library shall be established as provided for in this title, in which case the former shall merge with and become a part of the latter. Id.

ARTICLE 1682. BOARD OF EXAMINERS

A commission is hereby created to be known as the State Board of Library Examiners, consisting of the State Librarian, who shall be ex-officio chairman of the Board; the Librarian of the State University, who shall be an ex-officio member; and three other well-trained librarians of the State who shall at first be selected by the State Librarian and the Librarian of the State University. The term of each shall be for six years, one of the

appointive members retiring every two years. His successor shall be chosen by the remaining members of the Board in executive session. The members of said board shall receive no compensation for their services except actual and necessary traveling expenses paid out of the State library fund. Said Board shall arrange for an actual meeting and for such other meetings as may be necessary in the pursuance of its duties. Said board shall pass upon the qualifications of all persons desiring to become county librarians in the State of Texas, and may in writing adopt rules and regulations not inconsistent with the law for its government and for carrying out the purposes of this title. Id.

ARTICLE 1683. COUNTY LIBRARIAN

Upon the establishment of a county free library the Commissioners Court shall biennially appoint a County Librarian who shall hold office for a term of two (2) years subject to removal for cause after a hearing by said Court. No person shall be eligible to the office of County Librarian unless prior to his appointment he has received from the State Board of Library Examiners a certificate of qualification for office; and when any County Librarian has heretofore received a certificate of qualification for office from the State Board of Library Examiners, and has served as County Librarian for any county in this State, said Librarian may be employed or reemployed by any county as Librarian without further examination and issuance of certificate from said State Board of Library Examiners. The County Librarian shall, prior to entering upon the duties of his office, file with the County Clerk the official oath and make a bond upon the faithful performance of his duties with sufficient sureties approved by the County Judge of the County of which the Librarian is to be the County Librarian, in such sum as the Commissioners Court may determine. Acts 2nd C.S. 1919, p. 219; Acts 1935, 44th Leg., p. 115, ch. 41, sec. 1.

ARTICLE 1684. SALARY AND EXPENSES

The salary of the librarian and assistants shall be fixed by said court at the time they fix the salary of the appointive county officers. The county librarian and assistants shall be allowed actual and necessary traveling expenses incurred in the business of the library. Acts 2nd C.S. 1919, p. 219.

ARTICLE 1685. DUTY OF LIBRARIAN

The librarian shall endeavor to give an equal and

complete service to all parts of the county through branch libraries and deposit stations in schools and other locations where suitable quarters may be obtained, thus distributing printed matter, books, and other educational matter as quickly as circumstances will permit. The county librarian shall have the power to make rules and regulations for the county free library, to establish branches and stations throughout the county, to determine the number and kind of employees of such library, and, with the approval of the commissioners court, to appoint and dismiss such employees. The county librarian shall, subject to the general rules adopted by the commissioners court, build up and manage according to accepted rules of library management, a library for the people of the county and shall determine what books and other library equipment shall be purchased. Id.

ARTICLE 1686. REPORT OF LIBRARIAN

The librarian of each county library shall, on or before the first day of October in each year, report to the commissioners court and to the State Librarian the operation of the county library during the year ending August 31st preceding. Such report shall be made on blanks furnished by the State Librarian, and shall contain a statement of the condition of the library, its operation during the year, and such financial and book statistics as are kept in well regulated libraries. Id.

ARTICLE 1687. SUPERVISION OF LIBRARY

The county library shall be under the general supervision of the commissioners court. Such libraries shall also be under the supervision of the State Librarian, who shall, from time to time, either personally or by one of his assistants, visit the county free libraries and inquire into their condition, advising with the librarians and said court and rendering such assistance in all matters as he may be able to give. Id.

ARTICLE 1689. FUNDS FOR LIBRARY

All funds of the county free library shall be in the custody of the county treasurer, or other county official, who may discharge the duties commonly delegated to the county treasurer. They shall constitute a separate fund to be known as the county free library fund, and shall not be used except for library purposes. The Commissioners Court may contract with privately owned libraries which serve areas within the

county not adequately served by the county free library to provide county free library services in such areas, and may require by such contract that such library submit to such reasonable regulations as is required of governmental libraries. Acts 2nd C.S., 1919, p. 219; Acts 1963, 58th Leg., p. 750, ch. 284, sec. 1.

ARTICLE 1690. JOINDER WITH CITY

After the establishment of a county free library the governing body of any incorporated city or town in the county, maintaining a free public library, may notify the commissioners court that such city or town desires to become a part of the county free library system, and thereafter such city or town shall be a part thereof, and its inhabitants shall be entitled to the benefits of such county free library, and the property within such town or city shall be included in computing the amount to be set aside as a fund for county free library purposes. Acts 2nd C.S., 1919, p. 219.

ARTICLE 1691. CONTRACT WITH CITY

The commissioners court wherein a county free library has been established under the provisions of this title, shall have full power and authority to enter into contracts with any incorporated city or town maintaining a public free library, and such incorporated city or town shall through its governing body, have full power to enter into contracts with such county to secure to the residents of such incorporated city or town the same privileges of the county free library as are enjoyed by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon in such contract, upon such consideration to be named in the contract as may be agreed upon, the same to be paid into the county library fund, and thereupon the residents of such incorporated city or town shall have the same privileges with regard to said county free library as are had by the residents of such county outside of such incorporated city or town, or such privileges as may be agreed upon by contract. Id.

ARTICLE 1692. WITHDRAWAL OF CITY

The governing body of such incorporated city or town may at any time after two years notify the commissioners court that such city or town no longer desires to be a part of the county free library system and thereafter such city or town shall cease to participate in the benefits of such county free library system, and

the property situated in said city or town shall no longer be assessed in computing the fund to be set aside for county free library purposes. The governing body of such city or town shall give the commissioners court six months notice and publish at least once a week for six successive weeks prior to either giving or withdrawing such notice in a county newspaper designated by the governing body, and circulated throughout such city or town, notice of such contemplated action, giving date and place of meeting at which such contemplated action is proposed to be taken. Id.

ARTICLE 1693. CONTRACT WITH ANOTHER COUNTY

The commissioners court of any county, wherein a county free library has been established under the provisions of this title, shall have full power and authority to enter into contracts or agreements with the commissioners court of any other county to secure to the residents of such other county such privileges of such county free library as may, by such contract, be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have the privilege of such county free library as may by such contract be agreed upon, the same to be paid into the county free library fund, and thereupon the inhabitants of such other county shall have the privilege of such county free library as may by such contract to agreed upon; and the commissioners court shall have full power and authority to enter into a contract with the commissioners court of another county wherein a county free library has been established, under the provisions of this title and shall have power to provide for and to set aside a county free library fund, in the manner already set out, for the purpose of carrying out such contract. But the making of such contract shall not bar the commissioners court of such county from establishing a county free library therein, and upon the establishment of such county free library such contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof. Id.

ARTICLE 1694. CONTRACT WITH ESTABLISHED LIBRARY

Instead of establishing a separate county free library, upon petition of a majority of the voters of the county, the commissioners court may contract for library privileges from some already established library. Such contract shall provide that such established library shall assume the functions of a county free library with-

in the county with which the contract is made, including incorporated cities and towns therein, and shall also provide that the librarian of such established library shall hold or secure a county librarian's certificate from the State Board of Library Examiners. Said court may contract to pay annually into the library fund of said established library such sum as may be agreed upon, to be paid out of the county library fund. Either party to such contract may terminate the same by giving six months notice of intention to do so. Property acquired under such contract shall be subject to division at the termination of the contract upon such terms as are specified in such contract.

ARTICLE 1695. COMBINED COUNTIES

Where found to be more practicable, two or more adjacent counties may join for the purposes of this law and establish and maintain a free library under the terms and provisions above set forth for the establishment and maintenance of a county free library. In such cases the combined counties shall have the same powers and be subject to the same liabilities as a single county as provided in this law. The commissioners court of the counties which have combined for the establishment and maintenance of a free library shall operate jointly in the same manner as does the commissioners court of a single county in carrying out the provisions of this law. If any county desires to withdraw from such combination it shall be entitled to a division of property in such proportion as agreed upon in the terms of a combination at the time such joint action was taken. Id.

ARTICLE 1696. TERMINATION OF LIBRARY

A county free library may be disestablished upon petition of a majority of the voters of that part of the county maintaining a county free library, asking that said library system be no longer maintained. The commissioners court upon the termination of existing contracts shall call in all books and movable property of the defunct county free library, and have same inventoried and stored under lock and seal in some dry and suitable place in the county court house. Id.

ARTICLE 1696a. ACQUISITION OF LAND: CONSTRUCTION, REPAIR, EQUIPMENT AND IMPROVEMENT OF BUILDINGS; BOND ISSUES; TAXES

Section 1. The Commissioners Court of any county in this State is hereby authorized to acquire land for and to purchase, construct, repair, equip, and improve

buildings, and other permanent improvements to be used for county library purposes. Such building or buildings and other permanent improvements may be located in the county at such place or places as the Commissioners Court may determine. Payment for such buildings and repairs and improvements and other permanent improvements shall be made from the Constitutional Permanent Improvements Fund.

Section 2. To pay the costs of acquiring land for and of purchasing, construction, repairing, equipping, and improving such buildings and other permanent improvements, the Commissioners Court is hereby authorized to issue negotiable bonds of the county and to levy and collect taxes in payment thereof, the issuance of such bonds and the levy and collection of taxes to be in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, governing the issuance of bonds by cities, towns, and/or counties in this State. Acts 1955, 54th Leg., p. 585, ch. 194

SECTION 21.351 (Education Code). CONTRACT WITH COUNTY

In compliance with the terms of this subchapter, any school district having boundaries embracing the entire area of a county having a valuation in excess of $30 million may enter into contracts with the county and with its board of library trustees to provide joint library facilities. Chap. 889, p. 2933. Acts 61st Leg.

SECTION 21.352 (Education Code). PROCEDURE TO EXECUTE CONTRACT

(a) The procedure by which such contracts may be authorized shall be as prescribed by this section.

(b) The commissioners court of the county shall appoint a board of library trustees consisting of five members who are residents of the county.

(c) The board of library trustees shall organize by appointing a chairman, a secretary, and a treasurer.

(d) The board of library trustees shall call a public meeting for the purpose of presenting to the trustees of the school district and the members of the commissioners court a petition setting forth the need for additional library facilities and the agreement of the board of library trustees to assume the financial obligation of providing and maintaining an adequate public library building upon or adjacent to the school campus or grounds, the building to be used as a county free library and as a school library for the benefit of both the school students and the general public.

(e) The school trustees and the members of the

commissioners court, at a joint meeting called for that purpose, shall consider the petition and agreement. If the plan of financing is found to be practicable and feasible and is approved by a majority both of the school trustees and of the commissioners court, a contract in compliance with Section 21.353 of this code may be executed. Chap. 889, p. 2933. Acts 61st Leg.

SECTION 21.353 (Education Code). CONTRACT PROVISIONS

(a) Contracts authorized by this Article shall contain the provisions described in this Section in consideration for the agreement of the board of library trustees.

(b) The commissioners court must agree on its part to deliver over to the board of library trustees in trust and keeping the county-owned free library or libraries.

(c) The board of trustees of the school district must agree on its part to convey, with or without added consideration (and is hereby authorized to convey without the necessity of securing the consent of the Texas Education Agency or any officer thereof), the fee simple title to any individual lot or tract of land of any area not greater than two city lots, if any such area is owned by the school district on or adjacent to its campus and is not required under then existing school plans. The conveyance may be conditioned only by reserving to the school district the right to repurchase the tract, in the event of its abandonment for library purposes, at a price not to exceed any outstanding indebtedness against any building constructed thereon by the board of library trustees. Chap. 889, p. 2933. Acts 61st Leg.

SECTION 21.354 (Education Code). CONSTRUCTION OF LIBRARY

(a) The public library building, authorized by the above-described contract, shall be constructed according to the provisions of this Section.

(b) After the execution of the joint contracts and the receipt of conveyance of the tract of land, the board of library trustees, by a majority vote at a meeting called for that purpose, may employ an architect to prepare plans for the construction of a combined library building and assembly hall.

(c) After the approval of the plans by both the board of trustees of the school district and the commissioners court, the board of library trustees may enter into all necessary contracts for the construction of the building and the equipment thereof. The board of

library trustees is authorized to mortgage or emcumber the building to secure the financing thereof, but the indebtedness so created must be repaid out of revenue funds produced from the rental of the assembly hall or from private contributions and shall never become a debt against the county of the school district. No taxes shall be levied therefor. Chap. 889, p. 2933. Acts 61st Leg.

SECTION 21.355 (Education Code). MANAGEMENT OF LIBRARY

(a) The management and control of the public library building shall be under the supervision and control of the board of library trustees so long as a public free library is maintained therein, subject to the provisions of law as to county free libraries and to the provisions of this Section.

(b) A separate room or rooms shall be provided for the county free library.

(c) The assembly hall and other parts of the building shall be set aside for the use of educational and civic organizations of the county. Educational and civic organizations shall have the right of use of the assembly hall, subject to the rules made by the board of library trustees and the necessary charges for use and maintenance. County civic organizations may use the assembly hall as a public assembly hall in keeping with the rules adopted by the board of library trustees. Chap. 889, p. 2933. Acts 61st Leg.

COUNTY LAW LIBRARIES

ARTICLE 1697. ESTABLISHMENT OF LIBRARY

A county law library may be established at the county seat by the commissioners court of any county containing a city of over 160,000 population according to the preceding Federal census. Acts 1st C.S. 1921, p. 21.

ARTICLE 1698. APPROPRIATION FOR LIBRARY

The commissioners court of any such county may establish and provide for the maintenance of such law library on its own initiative and appropriate therefor the sum of $20,000.00 or such part thereof as it deems necessary, and shall appropriate each (year) such sum as may be necessary to properly maintain and operate such library. Id.

ARTICLE 1699. RULES AND REGULATIONS

Said court may make all rules and regulations necessary or proper for the establishment, maintenance,

operation and use of said library not in conflict with the laws of this State. Id.

ARTICLE 1700. CUSTODIAN

Upon the establishment of a county law library the commissioners court shall employ a custodian or custodians of such library, who shall receive such pay as said court may fix. Each custodian shall execute a bond in the sum fixed by the court payable to and to be approved by the county judge of said county, conditioned that such custodian will faithfully perform his duties. Id.

ARTICLE 1701. GIFTS AND BEQUESTS

The Commissioners Court may receive on behalf of the county any gift or bequest for such library. The title to all such property shall be vested in the county. Where any gift or bequest is made with certain conditions, and accepted by the county, these conditions shall be administered as designated by the donor. Id.

ARTICLE 1702. FUNDS OF LIBRARY

All funds of such library shall be in custody of the county treasurer of such county. They shall be a separate fund and shall be used for no purpose other than for such library. Each claim against the county law library shall be acted upon in like manner as other claims against the county. Id.

ARTICLE 1702a-1. COUNTY LAW LIBRARIES IN CERTAIN COUNTIES-MANAGEMENT

Section 1. For the purpose of establishing and maintaining a "County Law Library" for each county coming within the terms of this Act there shall be charged as costs, and taxed, collected, and paid as other costs, the sum of Two Dollars and Fifty Cents ($2.50) in each civil case, except suits for delinquent taxes, hereafter filed in every County or District Court, in each county having seven (7) or more District Courts and three (3) or more County Courts including County Courts at Law; except that in each county having fifteen (15) or more District Courts, including Criminal District Courts, the sum shall be fixed by the Commissioners Court, not to exceed Two Dollars and Fifty Cents ($2.50). Provided, however, that in no case shall the county be liable for said cost in any civil cases. Such costs shall be collected by the Clerk of the respective Courts, and when collected shall be paid to the County Treasurer, to be kept by him in a separate fund to be known as the "County Law Library Fund"; such fund shall

be administered by the Commissioners Court for the purchase, lease or maintenance of a law library, and furniture and equipment necessary thereto, in a place convenient and accessible to the Judges and litigants in such courts, and for the payment of salaries to employees to be appointed by the Commissioners Court; the Commissioners Court of counties affected by this Act shall make rules for the use of books in said library, and shall provide suitable space and shelving for housing same.

The salary of the custodian or librarian and such other employees or assistants as may be necessary shall be fixed by the Commissioners Court and shall be paid out of the funds collected under this Act.

The Commissioners Court of such counties may vest the management of such library in a committee to be selected by the Bar Association of such county, but the acts of such committee shall be subject to the approval of the Commissioners Court.

Section 2. The Provisions of this Act may be adopted by any county in this state having five (5) or more District Courts, by the passage of a Resolution to that effect by the Commissioners Court of such county at a regular session thereof with all members of such court present.

Section 3. If any part or parts of this Act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such invalid part or parts therof would be so declared unconstitutional. Acts 1943, 48th Leg., p. 297, ch. 192, sec. 1-3; Acts 1957, 55th Leg., p. 446, ch. 218, sec. 1; Acts 1967, 60th Leg., p. 762, ch. 317, sec. 1.

ARTICLE 1702b. COUNTY LAW LIBRARIES IN CERTAIN COUNTIES

Section 1. For the purpose of establishing "County Law Libraries" there shall be taxed, collected, and paid as other costs the sum of One Dollar ($1) in each case, Civil or Criminal, except suit for delinquent taxes, hereafter filed in every county and/or District Court, Civil or Criminal, in each county now or hereafter having three (3) or more District Courts, one of which sits and has jurisdiction in not less than two (2) other counties and none of which have more than four (4) terms a year; provided, however, that in no event shall the county be liable for said costs in any Civil or Criminal case, such costs shall be collected by the Clerk of the respective Courts in said counties and when collected, shall be paid by him to the County Treasurer to be kept by him in a separate fund to be known as the "County Law Library Fund";

such funds shall be administered by the Commissioners Court for the purchase and maintenance of a law library and the furniture and equipment necessary thereto in a place convenient and accessible to the Judges and litigants of such counties and for the payment of a salary to a librarian to be appointed by the Commissioners Court; provided, however, that said counties shall not use the funds collected under the provisions of this Act for any other purposes except the purposes above indicated. The Commissioners Court of counties affected by this Act shall make rules for the use of books in said library and provide space for housing same.

The salary of the custodian or librarian herein provided for shall be fixed by the Commissioners Court and shall be paid out of the funds collected under this Act.

Section 2. This Act shall not have the effect of repealing or modifying any Act now in force respecting the establishment and maintenance of any County Law Libraries in any county in this state but such Acts shall remain in full force and effect as to counties affected thereby. Acts 1937, 45th Leg., p. 602, ch. 303.

ARTICLE 1702b-1. COUNTY LAW LIBRARIES IN COUNTIES OF 11,300 TO 12,500 POPULATION AND FULFILLING CERTAIN OTHER REQUIREMENTS; COUNTY LAW LIBRARY FUND

ARTICLE 1702b-2. COUNTY LAW LIBRARIES IN COUNTIES OF 50,000 TO 78,000; COUNTY LAW LIBRARY FUND

ARTICLE 1702b-3. LAW LIBRARIES IN COUNTIES OF 75,000 TO 95,000; COUNTY LAW LIBRARY FUND

ARTICLE 1702b-4. LAW LIBRARIES IN COUNTIES OF 30,000 TO 39,000; COUNTY LAW LIBRARY FUND; RULES

ARTICLE 1702b-5 LAW LIBRARIES IN COUNTIES OF 50,420 TO 50,430; COUNTY LAW LIBRARY FUND; SALARIES; MANAGEMENT

ARTICLE 1702c. LAW LIBRARIES IN CERTAIN COUNTIES

ARTICLE 1702d. LAW LIBRARIES IN COUNTIES OF 80,000 TO 225,000; LIBRARY FUND

ARTICLE 1702e. LAW LIBRARIES IN COUNTIES OF 30,000 TO 250,000

ARTICLE 1702f. LAW LIBRARIES IN COUNTIES OF 27,000 LOCATED IN TWO JUDICIAL DISTRICTS OF FOUR COUNTIES ONLY

ARTICLE 1702g. LAW LIBRARIES IN COUNTIES OF 29,500 TO 30,000

ARTICLE 1702h. COUNTY LAW LIBRARIES IN ALL COUNTIES

Section 1. The Commissioners Court of all counties within this State shall have the power and authority, by first entering an order for that purpose, to provide for, maintain and establish a County Law Library.

Section 2. The Commissioners Court of any county may establish and provide for the maintenance of such County Law Library on its own initiative, and appropriate the sum of Ten Thousand Dollars ($10,000) or such part thereof as it may deem necessary, to establish properly such library, and shall appropriate each year such sum as may be necessary to properly maintain and operate such County Law Library, which shall be established, maintained and operated at the county seat.

Section 3. The Commissioners Court of such county is hereby authorized and empowered to receive on behalf of such county any gift or bequest for such County Law Library. The title of all such property shall be vested in the county. Where any gift or bequest is made with certain conditions, and accepted by the county, these conditions shall be administered as designated by the donor.

Section 4. For the purpose of establishing County Law Libraries after the entry of such order, there shall be taxed, collected, and paid as other costs, the sum of One Dollar ($1) in each civil case, except suits for delinquent taxes, hereafter filed in every county or district court; provided, however, that in no event shall the county be liable for said costs in any case. Such costs shall be collected by the clerks of the respective courts in said counties and paid by said clerks to the County Treasurer to be kept by said Treasurer in a separate fund to be known as the "County Law Library Fund". Such fund shall not be used for any other purpose.

Section 5. The Commissioners Court of such counties may vest the management of such library in a committee to be selected by the Bar Association of such county, but the acts of such committee shall be subject to the approval of the Commissioners Court.

Section 6. The salary of the custodian or librarian and such other employees or assistants as may be necessary shall be fixed by the Commissioners Court and shall be paid out of the funds collected under this Act, or

from appropriations made under this Act.

Section 7. Such fund shall be administered by the Commissioners Court, or under its direction, for the purchase, lease or maintenance of a Law Library, and furniture and equipment necessary thereto, in a place convenient and accessible to the Judges and litigants of such county; and Commissioners Court of counties affected by this Act shall make rules for the use of books in said library, and shall provide suitable space and shelving for housing same.

Section 8. All funds for the County Law Library shall be in the custody of the County Treasurer of such county, or other official who may discharge the duties commonly delegated to county treasurers. They shall constitute a separate fund and shall not be used for any other purpose than those of such County Law Library. Each claim against the County Law Library shall be acted upon and allowed or rejected in like manner as other claims against the county.

Section 9. If any section, paragraph, clause, phrase, sentence, or portion of this Act be held invalid or unconstitutional, such invalidity shall not affect the remainder thereof. Acts 1951, 52nd Leg., p. 777, ch. 429.

ARTICLE 1702i. COUNTY LAW LIBRARIES IN COUNTIES OF 350,000 OR LESS

ARTICLE 1702j. COUNTY LAW LIBRARIES IN COUNTIES OF 750,000 TO 1,000,000

Section 1. For the purpose of establishing and maintaining a county law library for each county coming within the terms of this Act, there shall be charged as costs, and taxed, collected, and paid as other costs, a sum to be fixed by order of the Commissioners Court, of not more than $5, in each civil case, except suits for delinquent taxes, hereafter filed in every district or county court, including county courts at law, in each county having a population of not less than 750,000 nor more than 1,000,000, according to the last preceding federal census. In no case shall the county be liable for the cost imposed by this Act.

Section 2. The costs imposed by this Act shall be collected by the clerks of the respective courts. When collected, the funds shall be paid to the county treasurer and shall be kept by him in a separate fund to be known as the County Law Library Fund.

Section 3. The fund authorized by Section 2 of this Act shall be administered by the Commissioners Court for the purchases, lease, or maintenance of a law library and furniture and equipment necessary for the library, in a

place convenient and accessible to the judges and litigants in the district and county courts, including county courts at law. The fund may also be expended for the payment of salaries to employees to be appointed by the Commissioners Court.

Section 4. The Commissioners Court shall make rules for the use of books in the county law library and shall provide suitable space and shelving for housing the library.

Section 5. The salary of the custodian or librarian and such other employees or assistants as may be necessary shall be fixed by the Commissioners Court and shall be paid out of the funds collected under authority of this Act.

Section 6. The Commissioners Court may vest the management of the county law library in a committee to be selected by the bar association of the county, but the acts of the committee shall be subject to the approval of the Commissioners Court.

Section 7. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any sessions of the 62nd Legislature delaying the effectiveness of the 1970 census for general State and local governmental purposes. Acts 62nd Leg., Chap. 394, p. 1417.

COURT OF CIVIL APPEALS

ARTICLE 1832. LIBRARIAN -- COURT OF CIVIL APPEALS

Each clerk shall be librarian in charge of the library of his court, and shall take charge of, keep in good order and make catalogs of the books thereof. Acts 1st C.S. 1892, p. 25.

COUNTY RECORDS

ARTICLE 1941(a). MICROFILM RECORDS OF COUNTY CLERKS

Section 1. (a) County clerks and county recorders and clerks of county courts are hereby authorized, in their sole discretion, to adopt and thereafter to use exclusively, for the purpose of recording, preserving and protecting public records in their custody and control, or for the purpose of obtaining economical recording costs for such public records, or for the purpose of reducing and conserving the space required for filing, storing and safekeeping of such public records, or for the purpose of providing efficient retrieval of such public

records, or for any similar purpose or purposes, a microphotograph or microfilm process or processes which accurately and permanently copies or reproduces, or forms a medium for copying or reproducing the original record on a film in lieu of any other process, processes, method, or methods authorized or required, for filing, for filing and registering, or for filing and recording all instruments of writing, legal documents, papers or records authorized, permitted or required to be filed or to be filed and registered or to be filed and recorded in the offices of county clerks, or of county recorders, or of clerks of county courts; subject to the conditions and requirements hereinafter set out and specified in this Act.

Section 2. (a) Said instruments of writing, legal documents, papers or records authorized, permitted or required to be filed, or filed and registered, or filed and recorded in the offices of said county clerks and county recorders and clerks of county courts, shall be divided into seven types or classes of records for recording by microphotograph or microfilm process or processes as described hereinbelow. The recording and indexing of said instrument of writing, legal document, paper, or record in an Official Public Record which is on microfilm imparts notice in like manner and effect as if recorded in separate books or films and as if recorded in each Official Public Record described hereinbelow. Each of said classes or types of records shall be recorded on a separate series of rolls of microfilm, or on a separate series of discrete groups of separate and individual discrete microfilm images. Each of such rolls of microfilm shall be deemed to be a bound volume or book and each image on each of said rolls shall be properly identified for indexing purposes; and each of such separate series of discrete groups of separate and individual discrete microfilm images shall be deemed to be a bound volume or book and each discrete image of each of said discrete groups shall be properly identified for indexing purposes.

(b) The said seven types or classes of records for recording on microfilm shall be as follows:

(1) Records relating to or affecting real property, the microfilm records of which shall be known as "Official Public Records of Real Property";

(2) Records relating to or affecting receivables, chattels and personal property, the microfilm records of which shall be known as "Official Public Records of Personal Property and Chattels";

(3) Records relating or incidental to matters in probate, the microfilm records of which shall be known as "Official Public Records of Probate Courts";

(4) Records relating or incidental to matters in county civil courts, the microfilm records of which shall be known as "Official Public Records of County Civil Courts";

(5) Records relating or incidental to matters in county criminal courts, the microfilm records of which shall be known as "Official Public Records of County Criminal Courts";

(6) Records relating or incidental to matters in Commissioners Court, the microfilm records of which shall be known as "Official Public Records of Commissioners Court"; and

(7) Records relating to or affecting persons, business entities and/or agencies of government, other than property records, both real and personal, court proceedings and court records as described in Subparagraphs (1) thru (6) above, the microfilm records of which shall be known as "Official Public Records of Governmental, Business and Personal Matters."

(c) Releases, transfers, assignments and other actions relating to any instruments of writing, legal document, paper, or record, which has been recorded in an Official Public Record, shall be made by separate instruments of writing, documents, papers or records filed, or filed and registered, or filed and recorded in the same manner provided for herein for said original instrument of writing, legal document, paper or record; and no entry, marginal or otherwise, shall be made on any record, or index, or records, or indexes, previously made.

Section 3. The microfilm records provided for in this Act shall be deemed to be original records for all purposes and shall be so accepted by all courts and administrative agencies of this State; and transcripts, exemplifications, copies, or reproductions on paper or on film of an image or images of said microfilm records, when issued and certified to by said clerk, shall be deemed to be certified copies of the originals for all purposes and shall be so accepted by all courts and administrative agencies of this State.

Section 4. (a) Each such instrument of writing, legal document, paper or record which is recorded in an Official Public Record, as provided in Section 2(a) (1) thru 2(a) (7) hereinabove, shall be indexed and cross-indexed in the indices to the Public Record in which it is recorded in the full and perfect alphabetical order of the names of the parties as definitely identified therein in each such instrument of writing, legal document, paper or record.

(b) In additon to the names of the parties, each entry in an index for the appropriate Official Public

Record described in Sections 2(a) (1), 2(a) (2) and 2(a) (7) shall include: an abbreviated description of the nature of such instrument of writing, legal document, paper or record as shown therein, including the name of the record in which it would have been recorded under existing laws pertaining to bound volume records and to other records in the Recorder's office; the time and date of filing; the location of the recorded image or images on microfilm by roll number, or by group number, and image number or numbers, or by other suitable data; an abbreviated description of the property, if any, or an abbreviated description of a lien or mortgage, if any, or of other reference, if any, to former recorded data, or such additional information as will properly identify each index entry as pertaining to the particular type of record to which the index applies.

(c) In addition to the names of the parties in actions in county courts, each entry in an index for the appropriate Official Public Record described in Sections 2(a) (3) thru 2(a) (6) shall include the nature of the cause or action, the date the cause or action was opened or taken, the court in which the cause or action lies, the docket number, such other data which would assist in further identifying the cause or action being indexed, and the location of the recorded image or images on the microfilm by roll number, or by group number, and image number or numbers, or by other suitable data.

(d) Such alphabetical indices shall be revised periodically throughout each year so that there will be a full and perfect alphabetical index to each of said Public Records for each full calendar year.

(e) Registers shall be kept up to date of court docket numbers in perfect numerical sequence for each type Court Record, and shall include essentially the same data as is contained in the indices.

(f) Such other Registers of file numbers shall be kept as will be of assistance to the public, and shall include essentially the same data as is contained in the indices.

(g) No marginal entry or entries shall be required to be made by said clerks on indices previously completed.

Section 5. Should a Public Records Commission of Texas by authorized by law, all microfilming shall be done in accordance with reasonable rules and regulations, and under the general supervision, of said Commission; otherwise the county clerk shall establish the reasonable rules and regulations and have complete control of the microfilming in the county clerk's office in accordance with the following:

(a) Each original negative roll, and each original negative discrete image, of microfimed records shall meet all of the requirements for archival quality, for density, for resolution and for definition, of the Public Records Commission of Texas, if there be one, otherwise of the United State Bureau of Standards.

(b) For each roll, or part of a roll, of microfilm to be an official original record, the first image on the roll, or part of a roll, shall be of a Title Page showing the name of the Official Record, the starting identification number, the date, and a certificate of the county clerk signed by the camera operator; and the last image on the roll, or part of a roll, shall be of a Certificate of Legality and Authenticity certifying that "the microfilming of the images between the Title Page and the Certificate of Legality and Authenticity has been in strict accordance with Article 1941(a), Vernon's Texas Civil Statutes, and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no splice was made in the original negative film between the Title Page and this Certificate"; followed by the name of the Official Record, the starting image identification number of the Title Page and the ending image identificaiton number of the Certificate of Legality and Authenticity, the date microfilmed and the certificate of the county clerk signed by the camera operator, if the camera operator is a deputy county clerk, or otherwise signed by the county clerk in person.

(c) For each separate and individual image of a discrete group of discrete images of a microfilm record to be an official original record, the first image of the discrete group shall be of a Title Page showing the name of the Official Record, the starting identification number, the date, and a certificate of the county clerk signed by the camera operator; and the last image of the discrete group shall be of a Certificate of Legality and Authenticity certifying "that the discrete numbered microfilm images between the Title Page and the Certificate of Legality and Authenticity have been made in strict accordance with Article 1941(a), Vernon's Texas Civil Statutes, and that each image is a true, correct, and exact copy of the page or pages of the identified instrument of writing, legal document, paper, or record which had been filed for record on the date and at the time stamped on each; that no microfilm image or images were substituted for any original discrete microfilm image or images between the Title Page and this Certificate"; followed by the name of

the Official Record, the starting image identification number of the Title Page and the ending image identification number of the Certificate of Legality and Athenticity, the date microfilmed and the certificate of the county clerk signed by the camera operator, if the camera operator is a deputy county clerk, or otherwise signed by the county clerk in person.

(d) At least one additional negative copy of each roll, or part of a roll, or of each discrete image of a group of discrete images, of the original negative microfilm shall be made. The original negative of each roll, or part of a roll, or of each discrete image of a group of discrete images, of microfilm shall be the security record and, in the absence of other statutory provisions, shall be stored in a fireproof and burglarproof safe or locker outside of, and at a distance from, the courthouse. One negative copy of each roll, or part of a roll, or of each discrete image of a group of discrete images, of microfilm shall be used for making positive film prints and for no other purpose. Either negative copies or positive copies of film shall be used on projection devices or readers.

(e) All original negative microfilm now in an office of a county clerk and which negative microfilm is of archival quality, or which is made into negative film of archival quality, and which has thereon the certificates of the county clerk is hereby designated original records for all purposes and shall be so accepted by all courts and administrative agencies of this State.

(f) Each image on each roll, or each discrete image of a group of discrete images, of microfilm shall be of such a size that its image can be projected with clear legibility and without distortion onto a view screen or view glass with such projected image being as large as, or larger than, the original instrument of writing, legal document, paper or record from which it was made.

(g) Each image on a microfilm record shall be identified by a number by which it can be located quickly and easily, and which number shall be used in indexing such image.

(h) Cameras used for microfilming shall meet or exceed the then current standards of the United States Bureau of Standards for the documentation of permanent records.

(i) Suitable means shall be furnished for the public to quickly and easily locate and project onto a viewing screen or viewing glass the complete image of a desired record. Such projected image shall be as large as, or larger than, the instrument of writing, legal document, paper or record of which it is an image.

Section 6. (a) Each county clerk and county recorder and clerk of county courts, whenever the original paper record is not retained in the files of the county clerk, shall reproduce from microfilm onto paper records each filmed image on each roll of microfilm, or each filmed image of the discrete group of filmed images of such paper records, and shall inspect and check each reproduced paper record against the original instrument of writing, legal document, paper or record for accuracy and clarity. Should the paper record which was reproduced from a microfilm image be defective in any respect due to the image or images on the microfilm, the original instrument of writing, legal document, paper or record, from which said defective reproduced paper record was made, shall be remicrofilmed on a subsequent roll of microfilm, or on a subsequent descrete image or images of a subsequent discrete group of individual images, to obtain acceptable images on microfilm.

(b) Notwithstanding anything to the contrary provided by any other statute or statutes, when an instrument of writing, legal document, paper, or record has been microfilmed, reproduced from microfilm onto paper records and said reproduced paper record has been proven satisfactory by inspecting and checking as provided herein, said clerk is hereby authorized to, and shall, return each such instrument of writing, legal document, paper or record, excepting those involved in or relating to court matters and proceedings, to the party or parties who filed it.

(c) Original instruments of writing, original legal documents, original papers and original records, which have been filed relating to court matters and proceedings and which have been recorded on microfilm records, shall be retained in the files of the docket to which they relate until a written order of the court closes such docket, after which all of the records in such docket shall be microfilmed in time sequence to provide all of such records of a docket in an unbroken continuous sequence on one roll of microfilm, or in an unbroken continuous sequence of discrete images in a group of discrete images.

(d) Upon the certificate of a county clerk of a county to the Commissioners Court of the county that the original negative microfilm of a designated microfilm record fully meets the requirements of the Bureau of Standards of the United States Government for archival quality, for density, for resolution and for definition of said original negative microfilm and, further, that microfilm film prints from said negative have been satisfactorily used by the public for five years, or more, said

Commissioners Court may authorize by order of said court the disposal of the original paper records from which said microfilm records were made. Acts 1971, 62nd Leg., p. 2716, ch. 886, Sec. 1.

PUBLIC EDUCATION

SECTION 51.903 (Education Code). ARCHIVES: CERTIFIED COPIES

(a) The commissioners court of any county or any other custodian of public records may lend to the library of any state-supported institution of higher education, for any period and on any conditions it may determine, any parts of its archives or records that have become mainly of historical value. The librarian shall give a receipt for any archives or records received. The librarian may make copies for historical study.

(b) The librarian and the archivist of any state-supported institution of higher education are authorized to make certified copies of public records in the custody of the institution. These certified copies are valid in law and have the same force and effect for all purposes as if certified by the county clerk or other custodian as otherwise provided by law. In making a certified copy, the librarian or archivist shall certify that the foregoing is true and correct copy of the document, and after signing the certificate shall swear to it before any officer authorized to take oaths under the laws of this state.

(c) Nothing in this section affects the authority of the Texas State Librarian concerning public records as currently or later granted by law. Acts 62nd Leg., Chap. 1024, p. 3361.

SECTION 55.11 (Education Code). GENERAL AUTHORITY

Each board is authorized to acquire, purchase, construct, improve, enlarge, equip, operate, and/or maintain any property, buildings, structures, activities, services, operations, or other facilities, for and on behalf of its institution or institutions, or any branch or branches thereof. Acts 62nd Leg., Chap. 1024, p. 3335.

SECTION 55.12 (Education Code). CONTRACTS FOR JOINT CONSTRUCTION

Each board may enter into contracts with municipalities or school districts for the joint construction of museums, libraries, or other buildings. Acts 62nd Leg., Chap. 1024, p. 3335.

ARTICLE 3722. (3696) (2308) (2253) COPIES AND CERTIFICATES FROM CERTAIN OFFICES

The Secretary of State, Attorney General, Land Commissioner, Comptroller, Treasurer, Adjutant General, Commissioner of Agriculture, Commissioner of Insurance, Banking Commissioner, and State Librarian shall furnish any person applying for the same with a copy of any paper, document or record in their offices, and with certificates under seal certifying to any fact contained in the papers, documents or records of their offices; and the same shall be received in evidence in all cases in which the originals would be evidence. (Acts March 20, 1848; P.D. 3806; G.L. vol. 3, p. 184).

ARTICLE 3731. (3707) (2315) (2259) CERTIFIED COPIES FROM HEADS OF DEPARTMENTS

Certified copies, under the hands and offical seals of the heads of departments, of all notes, bonds, mortgages, bills, accounts, or other documents, properly on file in any department of this State, shall be received in evidence on an equal footing with the originals, in all suits now pending, or which may be hereafter instituted, in this State, where the originals of such notes, bonds, mortgages, bills, accounts or other documents would be evidence. (Acts 1870, p. 62; P.D. 6825; G.L. vol. 6, p. 236).

ARTICLE 3731a. OFFICIAL WRITTEN INSTRUMENTS, CERTIFICATES, RECORDS, RETURNS AND REPORTS; FOREIGN LAWS

Section 1. Any written instrument, certificate, record, part of record, return, report, or part of report, made by an officer of this State or of any governmental subdivision thereof, or by his deputy, or person or employee under his supervision, in the performance of the functions of his office and employment, shall be, so far as relevant, admitted in the courts of this State as evidence of the matter stated therin, subject to the provisions in Section 3 ... .

Section 4. Such writings may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy. Except in the case of a copy of an official writing from a public office of this State or a subdivision thereof, the attestation shall be accompanied with a certificate that the attesting officer has the legal custody of such writing.

Section 5. A written statement signed by an officer having the custody of an official record, or by his deputy,

that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry. As amended Acts 1961, p. 685, ch. 321 ... .

EXEMPTIONS

ARTICLE 3832. PROPERTY EXEMPT TO FAMILY

The following property shall be reserved to every family, exempt from attachment or execution and every other species of forced sale for the payment of debts, except as hereinafter provided: ...

6. The family library and all family portraits and pictures ... .

ARTICLE 3838. PUBLIC LIBRARIES

All public libraries shall be exempt from attachment, execution and every other specie of forced sale.

FEES OF OFFICE

ARTICLE 3913. CERTAIN STATE OFFICERS

The Secretary of State, Land Commissioner, Comptroller, State Treasurer, Commissioner of Agriculture, Banking Commissioner, State Librarian, and the Attorney General, shall furnish to any person who may apply for the same a copy of any paper, document or record in their respective offices, or with a certificate under seal, certifying to any fact or facts contained in the papers, documents or records of their offices unless such paper, document or record is deemed by Statute to be confidential or privileged; provided neither of said officers shall demand nor collect any fee from any officer of the state for copies of any papers, documents or records in their offices, or for any certificate in relation to any matter in their offices, when such copies are required in the performance of any of the offical duties of such office.

Each of said officers, and all other officers of the state and heads of state departments hereinafter required to collect fees enumerated below, shall deposit all fees received for any service named in this Article in the State Treasury to the credit of the General Revenue Fund, provided however, that the Banking Commissioner shall deposit such fees received in the manner provided by Section 8 of Chapter 139, Acts of the 52nd Legislature, 1951, and provided further, that the Texas Employmen

Commission shall deposit such fees in accordance with Federal law, and provided further, that any fees collected under this Article by the State Librarian shall be retained by the Texas Library and Historical Commission.

Each officer named above and all other officers of the state and heads of state departments shall cause to be collected the following fees for the services mentioned, except as otherwise provided by law:

For copies, other than photostatic or photo-copy, of any paper, document or record, in their offices, in the English language, for each page or fraction thereof, One Dollar and Fifty Cents ($1.50);

For copies, other than photostatic or photo-copy of any paper, document or record in their offices in any other language than the English, for each page or fraction thereof, Two Dollars ($2);

For each translated copy of any paper, document, or record in their offices, Three Cents (3¢) per work, provided that no charge shall be less than Five Dollars ($5);

For the copy of any plate or map in their offices, such fee as may be established by the officer in whose office the same is made, to be determined with reference to the amount of labor, supplies and materials required:

For each copy by photostatic or other photoprocess, One Dollar ($1) per page, provided that the State Librarian may charge a fee for this service in an amount to be determined by the Library and Historical Commission with reference to the amount of labor, supplies and materials required:

For examination or search of records in their offices when the state or any county has no interest, for each one-half (1/2) hour or fraction of one-half (1/2) hour spent in such examination or seach, One Dollar ($1).

For each sealed certificate affixed to any of the above, One Dollar ($1). Acts 1961, 57th Leg., p. 449, ch. 222, sec. 1; Acts 1965, 59th Leg., p. 909, ch. 293.

SECRETARY OF STATE

ARTICLE 4331. GENERAL DUTIES

Among other duties the Secretary of State shall: ...

9. Turn over to the person in charge of the State Library, immediately upon their receipt, all books, maps, charts or other publications of a political or miscellaneous character received at his office, and all printed volumes of the statutes of laws of any Nation, State or Territory, and in like manner turn over to the Supreme Court Librarian all volumes of reports of any courts of any other Nation, State or Territory received by him ... .

ARTICLE 4331b. EXCHANGE OF REPORTS

The Secretary of State is hereby authorized and directed in addition to the exchanges he is now authorized to make under existing law, to make exchanges of the reports of the several appellate courts of the Supreme Court, and the Court of Criminal Appeals, of the Session Acts of the Legislature, of the existing and future revised Civil and Criminal Statutes of this State, and of other state publications and department reports of this State, for the court reports, session acts, revised statutes, civil and criminal, and other State publications, and department reports of the United States Government, of the other States of the Union, and of foreign countries, for the benefit of the law library of the University of Texas, provided that the Secretary of State shall always keep on hand a sufficient number of copies of all State publications to meet the reasonable current demands of the State. Acts 1927, 40th Leg., p. 92, ch. 66, sec. 1.

INTERLOCAL COOPERATION

ARTICLE 4413 (32c). INTERLOCAL COOPERATION ACT

Section 1. It is the purpose of this Act to improve the efficiency and effectiveness of local governments by authorizing the fullest possible range of intergovernmental contracting authority at the local level including contracts between counties and cities, between and among counties, between and among cities, between and among school districts, and between and among counties, cities, school districts, and other political subdivisions of the state, and agencies of the state.

Section 2. This Act may be cited as The Interlocal Cooperation Act.

Section 3. As used in this Act:

(1) "local government" means a county; a home rule city or a city, village, or town organized under the general laws of this state; a special district; a school district; a junior college district; any other legally constituted political subdivision of the state; or a combination of political subdivisions.

(2) "governmental functions and services" means all or part of any function or service included within the following general areas: police protection and detention services;fire protection; streets, roads, and drainage; public health and welfare; parks; recreation; library services; waste disposal; planning; engineering; administrative functions; and such other governmental functions which are of mutual concern to the contracting parties.

(3) "administrative functions" means functions normally associated with the routine operation of government such as tax assessment and collection, personnel services, purchasing, data processing, warehousing, equipment repair, and printing.

Section 4. (a) Any local government may contract or agree with one or more local governments to perform governmental functions and services under terms of this Act.

(b) The agreements or contracts may be for the purpose of studying the feasibility of contractual performance of any governmental functions or services or may be for the performance of any governmental functions or services which all parties to the contract are legally authorized to perform, provided such contracts or agreements shall be duly authorized by the governing body of each party to the contract or agreement. An interlocal contract or agreement shall state the purpose, terms, rights, objectives, duties, and responsibilities of the contracting parties. Interlocal contracts and agreements may be renewed annually and shall specify that the party or parties paying for the performance of governmental functions or services shall make payments therefor from current revenues available to the paying party.

(c) The authority of a political subdivision to perform a contractual service includes the authority to apply the rules, regulations, and ordinances of either the subdivision receiving the service or of the subdivision providing the service, whichever standard may be agreed upon by the contracting political subdivisions.

(d) The contracting parties to any interlocal contract or agreement shall have full authority to create an administrative agency or designate an existing political subdivision for the supervision of performance of an interlocal contract or agreement and any administrative agency so created or political subdivision so designated shall have the authority to employ personnel and engage in other administrative activities and provide other administrative services necessary to execute the terms of any interlocal contract or agreement.

(e) The contracting parties to any interlocal contract or agreement shall have full authority to contract with state departments and agencies as defined in Article 4413(32), Vernon's Texas Civil Statutes. The contracting parties to interlocal contract or agreement shall have specific authority to contract with the Department of Corrections for the construction, operation and maintenance of a regional correctional facility provided that title to the land on which said facility is to be constructed is deeded to the Department of Corrections and

provided further that a contract is executed by and between all parties as to payment for the housing, maintenance and rehabilitative treatment of persons held in jails who cannot otherwise be transferred under the authority of existing statutes to the direct responsibility of the Department of Corrections.

(f) No person acting under an interlocal contract or agreement shall be deemed to be holding more than one office of honor, trust or profit or more than one civil office of emolument.

Section 5. (a) Any city, town, district, or river authority within the state may enter into a contract with any other city, town, district, or river authority created under the constitution and laws of this state for the purpose of obtaining or providing water supply or waste water treatment facilities or any interest therein. Any city, town, distrct, or river authority may also enter into a contract with any other city, town, district, or river authority for the leasing or operation of water supply facilities or waste water treatment facilities or any interest therein.

(b) Any contract authorized by this section may provide that the city, town, district, or river authority obtaining one of the services may not obtain these same services from any other source other than the city, town, district, or river authority with which it contracted except to the extent provided in the contract. If any such contract so provides, payments made thereunder shall be operating expenses of the contracting party's water supply system or waste water treatment facilities, or both as the case may be.

(c) Except as provided in Subsection (d) of this section, any contract entered into under this section may contain any terms and extend for any period of time to which the parties can agree, and may provide that it will continue in effect until bonds specified in it and refunding bonds issued in lieu of those bonds are paid.

(d) No tax revenues shall be pledged to the payment of amounts agreed to be paid under any contract entered into under this section.

(e) This section is wholly sufficient authority for executing the contracts mentioned in it regardless of any restrictions or limitations contained in any other laws. Acts 62nd Leg., Chap. 513, p. 1751.

STATE LIBRARY AND HISTORICAL COMMISSION

ARTICLE 5434. ORGANIZATION

The Governor shall, by and with the advice and consent

of the Senate, appoint six (6) persons who shall constitute the Texas Library and Historical Commission. Appointments shall be made for a term of six (6) years.

Members of the Commission holding office at the time of passage of this Act shall continue in office until the expiration of their present terms.

Upon the expiration of the terms of office of the two (2) members which expire in 1953, the Governor shall, by, and with the advice of the Senate, appoint three (3) persons as members of the Commission. The Governor shall designate one (1) of the appointees to serve a term of two (2) years, to expire concurrent with the term of the present member of the Commission whose term of office expires in 1955.

The other two (2) appointees shall serve for six (6) years.

Thereafter all appointments shall be for a six (6) year term, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

The Commission shall be assigned suitable offices at the Capitol where they shall hold at least one regular meeting annually, and as many special meetings as may be necessary. Each such member while in attendance at said meetings shall receive his actual expenses incurred in attending the meetings and shall be paid a per diem as set out in the General Appropriations Act. Acts 1909, p. 122; Acts 1919, 2nd C.S., p. 151; Acts 1953, 53rd Leg., p. 726, ch. 283, sec. 1; Acts 1967, 60th Leg., p. 1755, ch. 661.

ARTICLE 5435. PURPOSE: POWERS AND DUTIES OF COMMISSION; DIRECTOR AND LIBRARIAN

The appointed members of the Commission shall be responsible for the adoption of all policies, rules and regulations so as to aid and encourage libraries, collect materials relating to the history of Texas and the adjoining states, preserve, classify and publish the manuscript archives and such other matters as it may deem proper, diffuse knowledge in regard to the history of Texas, encourage historical work and research, mark historic sites and houses and secure their preservation, and aid those who are studying the problems to be dealt with by legislation. The Commission shall appoint a Director and Librarian who shall perform all of the duties heretofore provided for the State Librarian, and all authority, rights and duties heretofore assigned by statute to the State Librarian are hereby transferred to and shall be performed by the Director and Librarian. He shall be

the Executive and Administrative Officer of the Commission and shall discharge all administrative and executive functions of the Commission. He shall have had at least two years' training in library science or the equivalent thereof in library, teaching or research experience and shall have had at least two years of administrative experience in library, research or related field. The Director and Librarian shall serve at the will of the Commission and shall give bond in the sum of Five Thousand Dollars ($5,000) for the proper care of the State Library and its equipment. He shall be allowed his actual expenses when traveling in the service of the Commission on his sworn account showing such expenses in detail. The Director and Librarian shall appoint, subject to the approval of the Commission, an Assistant State Librarian, a State Archivist, and such other assistants and employees as are necessary for the maintenance of the Library and Archives of the State of Texas. As amended Acts 1961, 57th Leg., p. 1064, ch. 476, sec. 1.

ARTICLE 5436. POWERS AND DUTIES

(a) The Commission is authorized and empowered to purchase within the limits of the annual appropriation allowed by Act of the Legislature from time to time suitable books, pictures, etc., the same to be the property of the State. The Commission shall have power and authority to receive donations or gifts of money or property upon such terms and conditions as it may deem proper; provided, no financial liability is thereby entailed upon the State. It shall give advice to such persons as contemplate the establishment of public libraries, in regard to such matters as the maintenance of public libraries, selection of books, cataloging and library management. The Commission shall conduct library institutes and encourage library associations.

(b) The Commission shall have the power and authority to transfer books and documents to other libraries which are supported by State appropriation when, in the opinion of the Commission, such transfer would be desirable for the benefit of the Texas State Library, and provided further that such transfer shall be permanent or temporary as may be decided by the Commission. The Commission shall have further power to exchange duplicate books and documents or to dispose of such books and documents to any public library, state or local, when such books and documents are no longer needed by the Texas State Library. No books or documents which constitute the archives of the Texas State Library shall ever be affected by this Act.

(c) The Commission is authorized to accept, receive, and administer federal funds made available by grant or loan or both to improve the public libraries of Texas.

(d) The Commission may enter into contracts or agreements with the governing bodies and heads of the counties, cities, and towns of Texas to meet the terms prescribed by the United States and consistent with state law for the expenditure of federal funds for improving public libraries. Acts 1909, p. 122; Acts 1919, 2nd C.S., p. 152; Acts 1943, 48th Leg., p. 423, ch. 289, sec. 1; Acts 1965, 59th Leg., p. 1, ch. 1.

ARTICLE 5436a. STATE PLAN FOR LIBRARY SERVICES AND CONSTRUCTION

The Texas Library and Historical Commission is authorized to adopt a state plan for improving public library services and for public library construction. The plan shall include county and municipal libraries. The Texas State Library shall prepare the plan for the Commission, and shall administer the plan adopted by the Commission. Money to be used may include that available from local, state, and federal sources, and will be administered according to local, state, and federal requirements. The state plan shall include a procedure by which county and municipal libraries may apply for money under the state plan and a procedure for fair hearings for those applications that are refused money. Acts 1965, 59th Leg., p. 1, ch. 1.

ARTICLE 5437. SEAL

The style of the Library governed by the Commission shall be "Texas State Library." A circular seal of not less than one and one-half inches, and not more than two inches in diameter, bearing a star of five points, surrounded by two concentric circles, between which are printed the words, "Texas State Library," is hereby designated the official seal of said library. Said seal shall be used in authentication of the official acts of the State Library. Acts 2nd C.S., 1919, p. 152.

ARTICLE 5438. CUSTODY OF RECORDS

The custody and control of books, documents, newspapers, manuscripts, archives, relics, mementos, flags, works of art, etc., and the duty of collecting and preserving historical data, is under the control of the Commission. The gallery of the portraits of the Presidents of the Republic and the Governors of this State constitutes a part of the State Library. All books, pictures, documents, publications and manuscripts, received through gifts, purchase or exchange, or on deposit, from any

source for the use of the State, shall constitute a part of the State Library, and shall be placed therein for the use of the public. Acts 1909, p. 122.

ARTICLE 5438a. HISTORICAL RELICS

The Texas Library and Historical Commission is hereby authorized in their discretion to place temporarily in the custody of the Daughters of the Republic of Texas and the United Daughters of the Confederacy, Texas Division, all or part of the historical relics belonging to the Texas State Library, under such conditions and terms of agreement as will insure the safekeeping of these relics in the Texas Museum. Acts 1925, 39th Leg., ch.146, p. 354, sec. 1.

ARTICLE 5438b. TITLE TO RELICS

The title of the State to these relics shall not be affected by this transfer. Acts 1925, 39th Leg., ch. 146, p. 354, sec. 2.

ARTICLE 5438c. REMOVAL OF RELICS

The Texas Library and Historical Commission shall retain the right to remove these relics at anytime they may see fit. Acts 1925, 39th Leg., ch. 146, p. 354, sec. 3.

ARTICLE 5438d. ADMISSION FEES: STATE PROPERTY UNDER CONTROL OF DAUGHTERS OF CONFEDERACY AND DAUGHTERS OF REPUBLIC

The Daughters of the Confederacy, Texas Division, and the Daughters of the Republic of Texas, are hereby authorized to charge admission fees to the general public to visit State property under their custody and control except the Alamo, and such organizations are authorized to maintain and operate in any manner they deem appropriate concessions in State property under their custody and control. All money received from the admission charged and all profit obtained from the operation of concessions shall be held in trust by such organizations to be expended for the purpose of maintenance and repair of State property and furnishing under the custody and control of such organizations. The admission fee to be charged the public shall be in the amount determined by such organizations as in their discretion they deem best for the interest of the State and the public. The operation of concessions shall be under the control of such organizations and they are authorized to operate such concessions themselves or to enter into necessary contracts with any other person, firm or corporation for the operation of concessions in any manner they deem necessary for the best interest of the State and public. Acts 1955, 54th Leg., p. 1115, ch. 412, sec. 1.

ARTICLE 5439. EXCHANGE OF RECORDS

Any State, county or other official is hereby authorized in his discretion to turn over to the State Library for permanent preservation therein any official books, records, documents, original papers, maps, charts, newspaper files and printed books not in current use in his office; and the State Librarian shall receipt for the same. Acts 1909, p. 122; Acts 2nd C.S., 1919, p. 152.

ARTICLE 5439a. PHOTOGRAPHIC REPRODUCTIONS AS PUBLIC RECORDS

When any State official has had photographic reproductions (as defined in Article 5441a) made of any public records (as defined in Article 5441a) in his office, even though such records be current, he may designate such photographic reproductions as original records for all legal purposes and may thereupon transfer the records which have been replaced by the photographic reproductions to the State Librarian, who shall receipt therefor. The State Librarian with the consent of the State Auditor may dispose of transferred records by further transfer or by destruction. Furthermore, when such photographic reproductions have been designated as origianl records, then copies thereof, in any form, may be introduced in evidence when properly certified or authenticated according to law. Added Acts 1947, 50th Leg., p. 945, ch. 403, sec. 2.

ARTICLE 5441. DUTIES OF LIBRARIAN

The duties of the State Librarian, acting under the direction of said Commission, shall be as follows:

1. He shall record the proceedings of the Commission, keep an accurate account of its financial transactions, and perform such other duties as said Commission may assign him; and he shall be authorized to approve the vouchers for all expenditures made in connection with the State Library.

2. He shall have charge of the State Library and all books, pictures, documents, newspapers, manuscripts, archives, relics, mementos, flags, etc., therein contained.

3. He shall endeavor to collect all manuscript records relating to the history of Texas in the hands of private individuals, and where the orginals cannot be obtained he shall endeavor to procure authenticated copies. He shall be authorized to expend the money appriated for the purchase of books relating to Texas, and he shall seek diligently to procure a copy of every book, pamphlet, map or other printed matter giving valuable information concerning this state. He shall collect portraits or photographs of as many of the prominent men of Texas as possible.

He shall endeavor to complete the files of the early Texas newspapers in the State Library and other publications of this state as seem necessary to preserve in the State Library an accurate record of the history of Texas.

4. He shall demand and receive from the officers of State departments having them in charge, all books, maps, papers, manuscripts, documents, memoranda and data not connected with or necessary to the current duties of said officers, relating to the history of Texas, and carefully classify, catalogue and preserve the same. The Attorney General shall decide as to the proper custody of such books, etc., whenever there is any disagreement as to the same.

5. He shall endeavor to procure from Mexico the original archives which have been removed from Texas and relate to the history and settlement thereof, and if he cannot procure the originals, he shall endeavor to procure authentic copies thereof. In like manner he shall procure the originals or authentic copies of manuscripts preserved in other archives beyond the limits of this State, in so far as said manuscripts relate to the history of Texas.

6. He shall preserve all historical relics, mementos, antiquities and works of art connected with and relating to the history of Texas, which may in any way come into his possession as State Librarian. He shall constantly endeavor to build up an historical museum worthy of the interesting and important history of this State.

7. He shall give careful attention to the proper classification, indexing and preserving of the official archives that are now or may hereafter come into his custody.

8. He shall make a biennial report to the Commission, to be by it transmitted to the Governor, to be accompanied by such historical papers and documents as he may deem of sufficient importance.

9. He shall ascertain the condition of all public libraries in this State and report the results to the Commission. He is authorized in his discretion to withhold from libraries refusing or neglecting to furnish their annual reports or such other information as he may request, public documents furnished the Commission for distribution, or interlibrary loans desired by such libraries. Id.; Acts 1909, p. 122; Amended Acts 1969, 61st Leg., Reg. Session, ch. 643, p. 1931.

ARTICLE 5441a. RECORDS MANAGEMENT DIVISION

Section 1. The Texas Library and Historical Commission is hereby authorized to establish and maintain in

the State Library a records management division which (1) shall manage all public records of the state with the cooperation of the heads of the various departments and institutions in charge of such records and (2) shall also conduct a photographic laboratory for the purpose of making photographs, microphotographs, or reproductions on film, or to arrange for all or part of such work to be done by an established commercial agency which meets the specifications established by this Article for the proper accomplishment of the work. The assistant who shall be appointed by the Commission to head such division shall have had appropriate training and experience in the field of public records management.

Section 2. For the purpose of this Article.

"Photographic reproduction" shall mean reproduction by a photographic process, including that by microprint or by microphotography on film including both negative and positive copies.

"Public Records" means document, book, paper, photograph, sound recording or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in this Article.

"Department or institution" shall mean any state department, institution, board or commission, whether executive, educational, judicial, or eleemosynary in character.

"Head of department or institution" shall mean the official or officials, whether appointive or elective, who has or have authority over the records of the department or institution involved.

"Local units of government" shall mean all local units of government, including cities, towns, counties, and districts.

Section 3. With the cooperation of the heads of the various departments and institutions the public records of such departments and institutions shall be surveyed, indexed and classified under the direction of the records management division. Furthermore, with the approval of the State Director and Librarian the head of any department or institution may destroy any public records in his custody which, in his opinion have no further legal, administrative or historical value, provided, however, that he shall first file application to do so with the State

Director and Librarian, describing in such application the original purposes and contents of such public records, and provided further, that the approval of the State Auditor shall also be required with regard to the destruction of public records of a fiscal or financial nature. The head of any department or institution shall (1) establish and maintain an active, continuing program for the economical and efficient management of the records of the agency; (2) make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency designed to furnish information to protect the legal and financial rights of the state and of persons directly affected by the agency's activities; and (3) submit to the Director, Records Management Division of the State Library, in accordance with the standards established by him, schedules proposing the length of time each state record series warrants retention for administrative, legal or fiscal purposes after it has been promulgated or received by the agency. The head of each department and institution also shall submit lists of public records in his custody that do not have sufficient administrative, legal or fiscal value to warrant their retention, for disposal in conformity with the requirements of this Section. The head of each department or institution shall act as, or shall appoint an employee of his department or institution performing other administrative duties to act as, a records administrator of the department or institution. Such records administrator shall comply with the rules, regulations, standards and procedures issued by the Director of the Records Management Division.

Section 4. The State Director and Librarian, either on his own initiative or upon request of the head of any department or institution, may provide for the making of photographic reproductions of the public records of any department or institution, and such public records shall be open to the State Director and Librarian for such purpose; provided, however, that no such action shall be taken except with the consent of the head of such department or institution.

Section 5. Any photographic reproduction made by microprint or by microphotography on film shall comply with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards, and the devices used to reproduce such public records shall be those which accurately reproduce the original thereof in all details.

Section 6. The State Director and Librarian is hereby authorized to make photographic reproductions for

private and public use on the following basis: (1) For official use of departments and institutions no charge shall be made; (2) for the official use of local units of government charge shall be made on a cost basis; (3) for copies of public records for private use charge shall be at a rate to be fixed by the State Director and Librarian in keeping with standard commercial rates. All money received by the State Library in payment for charges for photographic reproduction shall be paid into the State Treasury.

Section 6a. The State Auditor, in the audit of the various agencies of the state, shall include the following information in his report:

(1) the degree to which the agency has complied with records disposal instructions and transfer agreements in order to reduce filing space and equipment required to house records;

(2) the date when records were last reviewed for transfer or disposal; and

(3) revisions required in scheduled transfer and disposal dates. Acts 1947, 50th Leg., p. 945, ch. 403, sec. 1; Acts 1963, 58th Leg., p. 435, ch. 154, sec. 1; Acts 1965, 59th Leg., p. 605, ch. 299.

ARTICLE 5441b. DISPOSITION OF VALUELESS RECORDS

Section 1. The State Librarian of the State of Texas is hereby authorized to transfer, destroy or otherwise dispose of any records of the State of Texas consigned by law to his custody that are more than ten (10) years old and which the State Librarian shall determine to be valueless, or of no further use, to the State of Texas as official records. Provided, however, none of such records shall be disposed of in any manner unless the State Comptroller, the State Auditor and the Attorney General of the State of Texas shall first have agreed with the State Librarian that the preservation of any such records are no longer necessary as evidence and will serve no useful purpose in the future efficient operation of the State Government. All such records disposed of, as agreed upon, shall be generally listed and referred to and such list shall be subscribed to by all of said officials showing their consent to such disposition.

Section 2. Any such records which the Attorney General, State Comptroller, State Auditor and State Librarian, or any one or more of them deem necessary to preserve, may be so preserved by microfilming such records and such microfilm copies shall thereupon constitute original records for all legal purposes. Thereafter the originals of such records may be disposed of in such man-

ner as such officials may agree on; provided, however, that such microfilming shall be done only if funds are available for that purpose or are appropriated by the Legislature of the State of Texas for that purpose to cover the cost of such microfilming for the State of Texas.

Section 3. Any such records held to be no longer needed for the operation of the State Government or those replaced by microfilm copies may nevertheless be transferred to the Archives Division of the Texas State Library if the State Librarian deems them to be of historical value. Acts 1959, 56th Leg., p. 1083, ch. 494.

ARTICLE 5441c, Sec. 1-3. RECORDS, PRESERVATION, DESTRUCTION

Section 1. State records have been allowed to accumulate over a period of years to the detriment of a well-organized records management program. It is necessary, therefore, to adopt special provisions for the selection of essential state records and the destruction of worthiess material.

Section 2. The State Auditor, Board of Barber Examiners, Board of Control, Board of Cosmetology, Board of Medical Examiners, Board of Pardons and Paroles, Board of Regents of the State Teachers Colleges, Bureau of Labor Statistics, Comptroller, Court of Civil Appeals for the Third Supreme Judicial District, Governor's Office, Health Department, Insurance Commission, Legislative Budget Board, Parks and Wildlife Commission, Railroad Commission, Real Estate Commission, Secretary of State, State Securitites Board, Teacher Retirement System, Texas Education Agency, Texas State Library, Texas Water Commission, and the Treasury Department shall examine all books, papers, correspondence and records of any kind belonging to each respective agency, dated prior to 1952, which are stored with the Records Management Division.

Section 3. Each agency listed in Section 2 of this Act shall:

(1) classify and index its own records;

(2) furnish the Records Management Division of the State Library and Historical Commission a copy of the index in which they shall list the records to be preserved;

(3) name a retention period on records which are to be stored for a definite time; and

(4) request destruction of worthless records and material in compliance with Article 5441a, Revised Civil Statutes of Texas, 1925, as amended. Acts 1965, 59th Leg., p. 1160, ch. 547.

ARTICLE 5441d. Sec. 1-16. RECORDS, SELECTION AND PRESERVATION

Section 1. The Legislature declares that records containing information essential to the operation of government and the protection of the rights and interest of persons must be protected against the destructive effects of all forms of disaster and must be available when needed. It is necessary, therefore, to adopt special provisions for the selection and preservation of essential state records to provide for the protection and availability of such information.

Section 2. This Act may be cited as the "Preservation of Essential Records Act."

Section 3. In this Act, unless the context requires a different meaning:

(1) "essential record" means any written or graphic material made or received by any state agency in the conduct of the state's official business, which is filed or intended to be preserved permanently or for a definite period of time, as evidence of that business;

(2) "agency" means any state department, institution, board, or commission, whether executive, judicial, legislative, or eleemosynary in character;

(3) "departmental records supervisor" means the person or persons having authority over the records of the department involved;

(4) "disaster" means any occurrence of fire, blood, storm, earthquake, explosion, epidemic, riot, sabotage, or other condition of extreme peril resulting in substantial damage or injury to persons or property within this state, whether the occurrence is caused by an act of nature or man; and

(5) "preservation duplicate" means a copy of an essential record which is used for the purpose of preserving such state record.

Section 4. (a) A Records Preservation Advisory Committee is established to advise the Records Preservation Officer and to perform other duties as this Act requires. The committee is composed of the State Librarian, Secretary of State, State Auditor, State Comptroller, Attorney General, or their delegated agents, the Secretary of the Senate and the Chief Clerk of the House of Representatives, all of whom serve as ex-officio members of the Committee. The Committee shall work with and is a part of the Records Management Division of the State Library and Historical Commission.

(b) The State Librarian is the chairman of the committee.

(c) The committee shall:

(1) adopt rules for the conduct of its business;

(2) meet when called by the chairman, at least twice each year; and

(3) appoint consultants from time to time to obtain the best professional advice on the performance of its duties.

(d) The consultants shall serve without compensation, but shall be reimbursed for actual expenses incurred while performing their duties.

Section 5. The Director of the Records Management Division is also the Records Preservation Officer. The Records Preservation Officer shall establish and maintain such rules and regulations concerning the selection and preservation of essential state records as are necessary and proper to effectuate the purpose of this Act.

Section 6. The State Librarian and the Records Preservation Officer shall each execute and file with the Secretary of State a good and sufficient bond, payable to the State of Texas, in an amount consistent with his duties to be set by the committee and conditioned on the faithful performance of his duties.

Section 7. State records which are within the following categories are essential records which shall be preserved under this Act:

(1) Category A--Records containing information necessary to the operations of government in an emergency created by a disaster; and

(2) Category B--Records to protect the rights and interest of individuals, or to establish and affirm the powers and duties of government in the resumption of operations after a disaster.

Section 8. When a state record is required by law to be treated in a confidential manner the departmental records supervisor shall so indicate by labeling such record. The Records Preservation Officer and his staff shall protect the confidential nature of any record so labeled. Any employee who fails in this responsibility shall be dismissed from his duties and shall not be permitted to hold another state appointment.

Section 9. (a) Each agency shall select the state records which are essential to carrying out the work of its organization and shall determine the category of the record.

(b) In accordance with the rules and regulations promulgated by the Records Preservation Officer each departmental records supervisor shall:

(1) inventory the state records in his custody or control;

(2) submit to the Records Preservation Officer a report on the inventory containing, in addition to the information required by the

rules and regulations, specific information showing which records are essential; and

(3) review periodically his inventory and his report and, if necessary revise his report so that it is current, accurate and complete.

Section 10. The Records Preservation Officer shall make, or cause to be made, preservation duplicates, or shall designate as preservation duplicates existing copies of essential state records. A preservation duplicate made by means of photography, microphotography, photocopying, or microfilm shall be made in conformity with the standards prescribed by the Records Preservation Officer, and which shall conform to the rules of the United States Bureau of Standards.

Section 11. A preservation duplicate made by a photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. A transcript, exemplification or certified copy of such preservation duplicate shall be deemed for all purposes to be a transcript, exemplification or certified copy of the original record.

Section 12. The Records Preservation Officer shall prescribe the place and manner of safekeeping of essential state records or preservation duplicates and shall establish storage facilities therefor. At least one copy of all essential records, together with a duplicate Seal of the State of Texas, shall be housed in the safest possible location and in facilities constructed to withstand blast, fire, water and other destructive forces. The storage facilities for the preservation duplicates, or the original record, must be in a place other than the legally designated or customary record storage location.

Section 13. The Records Preservation Officer shall properly maintain essential state records and preservation duplicates stored by him. An essential state record, or preservation duplicate, stored by the Records Preservation Officer shall be recalled by the regularly designated custodian of a state agency record for temporary use when necessary for the proper conduct of his office and shall be returned by such custodian to the Records Preservation Officer immediately after such use.

Section 14. When an essential state record is stored by the Records Preservation Officer, the Records Preservation Officer, upon request of the regularly designated custodian of the state record, shall provide for its inspection, or for the making or certification of copies thereof and such copies when certified by the Records Preservation

Officer shall have the same force and effect as if certified by the regularly designated custodian.

Section 15. The Records Preservation Officer and the committee shall at least once every two years review the entire program established by this Act.

Section 16. In the audit of the various state departments and agencies, the State Auditor shall report on the compliance of each state agency with all provisions of this Act. Acts 1965, 59th Leg., p. 1161, ch. 548.

ARTICLE 5442. DISTRIBUTION OF PUBLICATIONS

On the requisition of the State Librarian therefor, the Board of Control shall cause to be printed and furnished to the State Library for distribution and exchange the following publications, or such additional number as said librarian shall request: 150 copies of all annual, biennial and special reports of state departments, boards and institutions, findings of all investigations, bulletins, circulars, laws issued as separates, and legislative manuals, and 150 copies of all other publications, except routine business forms and court reports. No accounts for such printing shall be approved and no warrants shall be issued therefor, until the Board of Control is furnished by the contract printer with the receipt of the Librarian for such publications. Acts 1913, p. 281; Acts 1919, 2nd C.S., p. 154; Amended Acts 1969, 61st Leg., ch. 55, p. 154.

ARTICLE 5442a. DEPOSITORY LIBRARIES FOR STATE DOCUMENTS

Section 1. The term "state document" as used in this Act means all publications of state agencies which the Texas State Library is authorized by Revised Civil Statutes, 1925, Article 5442, to acquire and distribute.

Section 2. The term "depository libraries" as used in this Act means the Texas State Library, the legislative reference library, libraries of state institutions of higher education, and other libraries so designated by the Texas Library and Historical Commission upon determination that such designations are necessary to provide adequate access to state documents.

Section 3. Each state agency shall furnish the Texas State Library or the legislative reference library with state documents in the quantity specified in Article 5442, Revised Civil Statutes of Texas, 1925, as amended.

Section 4. State documents shall be made available to depository libraries under the direction of the Texas State Library.

Section 5. To facilitate distribution of state documents, each state agency shall furnish the Texas State Library with a list of state documents which it has issued

during the preceding month, this list to be reproduced and distributed to all despository libraries and to such other agencies and institutions which request this list.

Section 6. Free use by the general public shall be a condition of depository privilege.

Section 7. The provisions of this Act shall be construed as additional and cumulative to all other laws. Acts 1963, 58th Leg., ch. 438, p. 1133; Amended Acts 1969, 61st Leg., ch. 55, p. 154.

ARTICLE 5442b. REGIONAL HISTORICAL RESOURCE DEPOSITORIES

Section 1. In this Act, unless the context requires a different meaning:

(1) "Commission" means the Texas Library and Historical Commission.

(2) "Historical resource" means any book, publication, newspaper, manuscript, paper, document, memorandum, record, map, picture, photograph, microfilm, sound recording, or other material of historical interest or value.

(3) "Depository" means a regional historical resource depository authorized under this Act.

(4) "State Librarian" means the director and librarian of the Texas State Library.

Section 2. In order to provide for an orderly, uniform, state-wide system for the retention and preservation of historical resources on a manageable basis and under professional care in the region of origin or interest, the Texas Library and Historical Commission is hereby authorized to designate the library of a state-supported institution of higher learning or a depository library, as that term is defined by Section 2, Chapter 438, Acts of the 58th Legislature, 1963, as amended (Article 5442a, Vernon's Texas Civil Statutes), to serve as a regional historical resources depository.

Section 3. The commission shall specify the geographical area of the state to be served by the designated depository and the methods of accessioning, cataloguing, housing, preserving, servicing, and caring for the historical resources which may be placed in the depository by or in the name of the commission.

Section 4. (a) The commission may transfer to a depository historical resources which are under the custody and control of the commission.

(b) The commission may lend to a depository, for purposes of research or exhibit, and for such length of time and on such conditions as the commission may determine, historical resources which are under the custody and control of the commission.

(c) The commission may transfer historical resources placed by or in the name of the commission in a deposi-

tory to another depository.

Section 5. (a) County commissioners, other custodians of public records, and private parties may offer, and the librarian of a depository may accept, historical resources for preservation and retention in the depository.

(b) County commissioners, other custodians of public records, and private parties may lend historical resources to a depository for such length of time and on such conditions as the commission may prescribe.

Section 6. Nothing in this Act shall be construed so as to prevent the commission from removing historical resources placed by or in the name of the commission in depositories if the commission determines that such removal would insure the safety or availability of the historical resources.

Section 7. (a) Proposed initial rules and regulations necessary to the administration of the system of depositories shall be formulated by the State Librarian.

(b) These proposed rules and regulations shall be published in the official publication of the Texas State Library. Such publication shall include notice of a public hearing before the commission on the proposed rules and regulations to be held on a date certain not less than 30 nor more than 60 days following the date of such publication.

(c) Following the public hearing, the commission shall approve the proposed rules and regulations or return them to the State Librarian with recommendations for change. If the commission returns the proposed rules and regulations to the State Librarian, the State Librarian shall consider the recommendations for change and resubmit the proposed rules and regulations to the commission for its approval.

(d) Revised rules and regulations shall be adopted under the same procedure provided in this Act for the adoption of the initial rules and regulations.

Section 8. The State Librarian shall supervise the system of depositories and shall promulgate the rules and regulations approved by the commission.

Section 9. The legislature may appropriate funds to the Texas Library and Historical Commission sufficient for the purpose of carrying out the provisions of this Act.

Section 10. All laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict. Acts 62nd Leg., chap. 504, p. 1731.

ARTICLE 5443. SALE OF ARCHIVES

The Commission is authorized to sell copies of the Texas Archives, printed with funds appropriated for that

purpose, at a price not to exceed twenty-five percent above the cost of publishing, and all moneys received from such sale shall be paid into the State Treasury. One copy of each such volume may be distributed free to the Governor, the members of the Legislature, and to the libraries, indicated in the preceding article. Acts 1913, p. 281.

ARTICLE 5444a. LEGISLATIVE REFERENCE LIBRARY

Section 1. In this Act, unless the context requires a different meaning,

(1) "library" means the legislative reference library;

(2) "board" means the legislative library board;

(3) "director" means the director of the legislative reference library.

Section 2. The functions and duties now performed by the legislative reference section of the state library are transferred to the legislative reference library, which is established as an independent agency of the legislature.

Section 3. (a) The library is under the control of, and administered by, the legislative library board composed of the lieutenant governor, the speaker of the House of Representatives, the chairman of the Senate finance committee, the chairman of the appropriations committee of the House of Representatives, and one other member of the Senate and one other member of the House of Representatives, appointed by the president of the Senate and the speaker of the House of Representatives, respectively.

(b) Members of the legislative library board are not entitled to compensation for service on the board, but each member is entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official duties, to be paid out of funds appropriated to the board.

Section 4. The library shall maintain for the use and information of the members of the legislature, the heads of state departments, and citizens of the state, a legislative, reference library containing checklists and catalogues of current legislation in this and other states, catalogues of bills and resolutions presented in either House of the Legislature, checklists of public documents of the several states, including all reports issued by departments, agencies, boards, and commissions of this state, and digest of public laws of this and other states as may best be made available for legislative use. The director and employees of the library shall give any aid and assistance requested by members of the Legislature

in researching and preparing bills and resolutions.

Section 5. The board shall appoint a director who shall serve for a period of one year from September 1st of each year, unless sooner discharged by said board for any reason. The salary of the director shall be fixed by the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Section 6. All books, documents, files, records, equipment, and property of all kinds owned or used by the legislative reference section of the state library, and all facilities used for storage, are transferred to the library. The director and librarian of the state library and the director of the library shall sign a written agreement showing an inventory of all property to be transferred. When the agreement is signed, the comptroller of public accounts shall transfer to the library the property listed, enter the property in the inventory of the libarary, and delete the property from the inventory of the state library.

Section 7. (a) The library is a depository library, as that term is defined by Section 2, Chapter 438, Acts of the 58th Legislature, 1963 (Article 5442a, Vernon's Texas Civil Statutes), and shall receive state documents and documents and publications from other states which are distributed by the state library, in the manner in which they were received by the legislative section of the state library.

(b) All printed daily legislative journals, bills, resolutions, and other legislative documents shall be delivered daily to the library, and at the close of each legislative session all daily journals, bills, and resolutions in the hands of the sergeant-at-arms of the House of Representatives and the Senate shall be delivered to the library to be disposed of at the discretion of the director.

Section 8. All money appropriated by the legislature to the state library and historical commission for the purpose of operating and administering the legislative reference section of the state library is transferred to the board to be used only for operating and administering the library.

Section 9. The board shall make all reasonable rules and regulations which are necessary to insure efficient operation of the library. Acts 1969, 61st Leg., ch. 55, p. 154; Acts 62nd Leg., Chap. 243, p. 1112.

ARTICLE 5444b. STATE LAW LIBRARY

Section 1. In this Act, unless the context requires a different meaning:

(1) "Library" means the State Law Library.
(2) "Board" means the State Law Library Board.
(3) "Director" means the director of the State Law Library.

Section 2. The functions and duties now performed by the library of the Supreme Court under Article 1722, Revised Civil Statutes of Texas, 1925, are transferred to the State Law Library, which is established as an independent agency of the State.

Section 3. (a) The library is under the control of, and administered by, the State Law Library Board composed of the chief justice of the Supreme Court, the presiding judge of the Court of Criminal Appeals, and the Attorney General. Each member of the board may designate a personal representative to serve for him.

(b) Members of the board or their designated representatives are not entitled to compensation for service on the board, but each member or representative is entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official duties, to be paid out of funds appropriated to the board.

Section 4. The library shall maintain a legal reference facility to include the statutes and case reports from the several states and legal journals and periodicals. the facility shall be maintained for the use and information of the members and staff of the:
(1) Supreme Court;
(2) Court of Criminal Appeals;
(3) Attorney General's Department;
(4) commissions, agencies, and boards of the other branches of State government; and
(5) citizens of the State.

Section 5. The board shall employ a director of the library and shall fix his salary. The director shall be accountable only to the board and shall serve at the pleasure of the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Section 6. All books, documents, files, records, equipment, and property of all kinds owned and used by the Supreme Court Library, the Court of Criminal Appeals library, and the Attorney General's library are transferred to the State Law Library.

Section 7. During the biennium ending August 31, 1973, the Comptroller of Public Accounts is hereby authorized and directed to set up an account to be known as the State Law Library Fund and is authorized and directed to transfer into such account from time to time moneys appro-

priated to the Supreme Court for the purpose of operating and administering the Supreme Court Library. For the purpose of operating and administering the library for the Court of Criminal Appeals, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary for such court's appropriation for consumable supplies and material or other designation for its library purposes. For the purpose of operating and administering the library for the Attorney General, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary from the appropriation to the Attorney General's office for consumable supplies and materials or other designation for its library purposes. Such transfers may be made on the direction of the Chief Justice of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals, and the Attorney General, respectively. Moneys in the State Law Library Fund may be expended by the board or its duly authorized representative for the purpose of maintaining, operating, and keeping up to date the State Law Library. Moneys appropriated for use of the libraries of the Supreme Court, Court of Criminal Appeals, and the Attorney General's office during the present biennium shall not be affected by this Act.

Section 8. The library may transfer any books, papers, and publications located in and belonging to the library to the library of the Law School of the University of Texas. The transfer may be made only on the unanimous vote of the members of the board. By majority vote, the board may recall any books, papers, or publications transferred by authority of this section.

Section 9. The board shall make all reasonable rules and regulations which are necessary to insure efficient operation of the library. Acts 1971, 62nd Leg., p. 2359, ch. 722.

ARTICLE 5445. ASSISTANTS

The Commission shall appoint an assistant librarian who shall rank as head of a department and who in the absence of the State Librarian may sign and certify accounts and documents in the same manner and with the same legal authority as the State Librarian. Said assistant shall give bond to the Governor in the sum of three thousand dollars and shall take the official oath. Other assistants in the State Library shall be appointed by the Commission and be divided into four grades: Heads of departments, library assistants, clerks and laborers. Heads of departments and library assistants shall be required

to have technical library training; and heads of departments shall have had at least one year of experience in library work prior to appointment. Clerks shall be required to hold a diploma from a first class high school according to the standards of the State Board of Education or the University of Texas, or to present satisfactory evidence of educational training equal to that provided by such high school, and also to present satisfactory evidence of proficiency in stenography and typewriting or bookkeeping. Laborers must present satisfactory evidence of education sufficient to do such elementary clerical work as shall be required of them. The archivist must present satisfactory evidence of one year's advanced work in American or Southwestern history in a standard college and of a fluent reading knowledge of Spanish and French; provided, that the archivist shall not be required to have technical library school training or any library experience. Acts 2nd C.S. 1919; p. 151.

ARTICLE 5446. REPORT TO GOVERNOR

The Commission shall make a biennial report to the Governor, which shall include the biennial report of the State Librarian. Said report shall present a comprehensive view of the operation of the Commission in the discharge of the duties imposed by this title, shall present a review of the library conditions in this State, present an itemized statement of the expenditures of the Commission, make such recommendations as their experience shall suggest, and present careful estimates of the sums of money necessary for the carrying out of the provisions of this title. Said report shall be made and printed, and by the Governor laid before the Legislature as other departmental reports. Acts 1909, p. 122.

STATE LIBRARY SYSTEM

ARTICLE 5446a. LIBRARY SYSTEMS ACT

Section 1. This Act may be cited as the Library Systems Act.

Section 2. In this Act, unless the context requires a different definition:

(1) "public library" means a library operated by a single public abency or board that is freely open to all persons under identical conditions and receives its financial support in whole or in part from public funds;

(2) "Commission" means the Texas State Library and Historical Commission;

(3) "State Librarian" means the director and librarian of the Texas State Library;

(4) "library system" means two or more public libraries cooperating in a system approved by the Commission to improve library service and to make their resources accessible to all residents of the area which the member libraries collectively serve;

(5) "state library system" means a network of library systems, interrelated by contract, for the purpose of organizing library resources and services for research, information, and recreation to improve statewide library service and to serve collectively the entire population of the state;

(6) "major resource system" means a network of library systems attached to a major resource center, consisting of area libraries joined cooperatively to the major resource center and of community libraries joined cooperatively to area libraries or directly to the major resource center;

(7) "major resource center" means a large public library serving a population of 200,000 or more within 4,000 or more square miles, and designated as the central library of a major resource system for referral service from area libraries in the system, for cooperative service with other libraries in the system, and for federated operation with other libraries in the system;

(8) "area library" means a medium-sized public library serving a population of 25,000 or more, which has been designated as an area library by the Commission and is a member of a library system interrelated to a major resource center;

(9) "community library" means a small public library serving a population of less than 25,000 which is a member of a library system interrelated to a major resource center;

(10) "contract" means a written agreement between two or more libraries to cooperate, consolidate, or receive one or more services;

(11) "standards" means the criteria established by the Commission which must be met before a library may be accredited and eligible for membership in a major resource system;

(12) "accreditation of libraries" means the evaluation and rating of public libraries and library systems using the standards as a basis;

(13) "governing body" means that body which has the power to authorize a library to join, participate in, or withdraw from a library system; and

(14) "library board" means the body which has the authority to give administrative direction or advisory counsel to a library or library system.

Section 3. The Commission shall establish and develop a state library system.

Section 4. (a) The Commission shall appoint an advisory board of five librarians qualified by training, experience, and interest to advise the Commission on the policy to be followed in the application of the provisions of this Act.

(b) The term of office of a board member is three years, except that the initial members shall draw lots for terms, one to serve a one-year term, two to serve a two-year term and two to serve a three-year term.

(c) The board shall meet at least once a year. Other meetings may be called by the Commission during the year.

(d) The members of the board shall serve without compensation, but shall be reimbursed their actual and necessary expenses incurred in the performance of their official duties.

(e) Vacancies shall be filled for the remainder of the unexpired term in the same manner as original appointments.

(f) No member may serve more than two consecutive terms.

Section 5. The State Librarian shall submit an initial plan for the establishment of the state library system and an annual plan for the development of the system for review by the advisory board and approval by the Commission.

Section 6. The Commission may establish and develop major resource systems in conformity with the plan for a state library system as provided in Chapter B, Section 5 of this Act.

Section 7. (a) Eligibiltiy for membership in the system is dependent on accreditation of the library by the Commission on the basis of standards established by the Commission.

(b) To meet population change, economic change, and changing service strengths of member libraries, a major resource system may be reorganized, merged with another system, or partially transferred to another system by the Commission with the approval of the appropriate governing bodies of the libraries comprising the system.

Section 8. (a) Governing bodies within a major resource system area may join in the development, operation, and maintenance of the system and appropriate and allocate funds for its support.

(b) Governing bodies of political subdivisions of the state may negotiate separately or collectively a contract with the governing bodies of member libraries of a

major resource system for all library services or for those services defined in the contract.

(c) On petition of 10 percent of the qualified electors in the latest general election of a county, city, town, or village within the major resource system service area, the governing body of that political subdivision shall call an election to vote on the question of whether or not the political subdivision shall establish contractual relationships with the major resource system.

(d) The governing body of a major resource center and the Commission may enter into contracts and agreements with the governing bodies of other libraries, including but not limited to other public libraries, school libraries and media centers, academic libraries, technical information and research libraries, or systems of such libraries, to provide specialized resources and services to the major resource system in effecting the purposes of this Act.

Section 9. (a) The governing body of any political subdivision of the state may by resolution or ordinance withdraw from the system. Notice of withdrawal must be made not less than 90 days before the end of the major resource center fiscal year.

(b) The provision for termination of all or part of a major resource system does not prohibit revision of the system by the Commission, with approval of the appropriate governing bodies, by reorganization, by transfer of part of the system, or by merger with other systems.

(c) The governing body of a public library which proposes to become a major resource center shall submit an initial plan of service for the major resource system to the State Librarian. Thereafter, the governing body of the major resource center shall submit an annual plan of system development, made in consultation with the advisory council, to the State Librarian.

Section 10. (a) An advisory council for each major resource system is established, consisting of six lay members representing the member libraries of the system.

(b) The governing body of each member library of the system shall elect or appoint a representative for the purpose of electing council members. The representatives shall meet within 10 days following their selection and shall elect the initial council from their group. Thereafter, the representatives in an annual meeting shall elect members of their group to fill council vacancies arising due to expiration of terms of office. Other vacancies shall be filled for the unexpired term by the remaining members of the council. The major resource center shall always have one member on the council.

(c) The term of office of a council member is three years, except that the initial members shall draw lots for terms, two to serve a one-year term, two to serve a two-year term, and two to serve a three-year term. No individual may serve more than two consecutive terms.

(d) The council shall elect a chairman, vice chairman, and secretary.

(e) The council shall meet at least once a year. Other meetings may be held as often as is required to transact necessary business. A majority of the council membership constitutes a quorum. The council shall report business transacted at each meeting to all member libraries of the system.

(f) The members of the council shall serve without compensation, but shall be reimbursed their actual and necessary expenses incurred in the performance of their official duties.

(g) The council shall serve as a liaison agency between the member libraries and their governing bodies and library boards to:

(1) advise in the formulation of the annual plan for service to be offered by the system;

(2) recommend policies appropriate to services needed;

(3) evaluate services received;

(4) counsel with administrative personnel; and

(5) recommend functions and limitations of contracts between cooperating agencies.

(h) The functions of the advisory council in no way diminish the powers of local library boards.

Section 11. (a) The Commission may designate major resource centers. Designation shall be made from existing public libraries on the basis of criteria approved by the Commission and agreed to by the governing body of the library involved.

(b) The governing body of the library designated by the Commission as a major resource center may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(c) The Commission may revoke the designation of a major resource center which ceases to meet the criteria for a major resource center or which fails to comply with obligations stated in the resolution or ordinance agreements. The Commission shall provide a fair hearing on request of the major resource center.

(d) Funds allocated by governing bodies contracting with the major resource center and funds contributed from state grant-in-aid for the purposes of this Act shall be deposited with the governing body operating the major resource center following such procedures as may be agreed to by the contributing agency.

(e) The powers of the governing board of the major resource center in no way diminish the powers of local library boards.

Section 12. (a) The Commission may designate area libraries within each major resource system service area to serve the surrounding area with library services for which contracts are made with participating libraries. Area libraries may be designated only from existing public libraries and on the basis of criteria approved by the Commission and agreed to by the governing body of the library involved.

(b) The governing body of the library designated by the Commission as an area library may accept the designation by resolution or ordinance stating the type of service to be given and the area to be served.

(c) The Commission may revoke the designation of an area library which ceases to meet the criteria for an area library or fails to comply with obligations stated in the resolution or ordinance agreement. The Commission shall provide a fair hearing on request of the major resource center or area library.

(d) Funds allocated by governing bodies contracting with the area library and funds contributed from state grants-in-aid for the purposes of this Act shall be deposited with the governing body operating the area library following such procedures as may be agreed to by the contributing agency.

Section 13. (a) Community libraries accredited by the Commission are eligible for membership in a major resource system.

(b) A community library may join a system by resolution or ordinance of its governing body and execution of contracts for service.

(c) The Commission may terminate the membership of a community library in a system if the community library loses its accreditation by ceasing to meet the minimum standards established by the Commission or fails to comply with obligations stated in the resolution or ordinance agreement.

Section 14. (a) A program of state grants within the limitations of funds appropriated by the Texas Legislature shall be established.

(b) The program of state grants shall include one or more of the following:

(1) system operation grants, to strengthen major resource system services to member libraries, including grants to reimburse other libraries for providing specialized services to major resource systems;

(2) incentive grants, to encourage libraries to join together into larger units of service in order to meet

criteria for major resource system membership;

(3) establishment grants, to help establish libraries which will qualify for major resource system membership in communities without library service; and

(4) equalization grants, to help libraries in communities with relatively limited taxable resources to meet criteria for major resource system membership.

Section 15. (a) Proposed initial rules and regulations necessary to the administration of the program of state grants, including qualifications for major resource system membership, shall be formulated by the State Librarian with the advice of the advisory board.

(b) These proposed rules and regulations shall be published in the official publication of the Texas State Library. Such publication shall include notice of a public hearing before the Commission on the proposed rules and regulations to be held on a date certain not less than 30 nor more than 60 days following the date of such publication.

(c) Following the public hearing, the Commission shall approve the proposed rules and regulations or return them to the State Librarian with recommendations for change. If the Commission returns the proposed rules and regulations to the State Librarian with recommendations for change, the State Librarian shall consider the recommendations for change in consultation with the advisory board and resubmit the proposed rules and regulations to the Commission for its approval.

(d) Revised rules and regulations shall be adopted under the same procedure provided in this Chapter for the adoption of the initial rules and regulations.

Section 16. The State Librarian shall administer the program of state grants and shall promulgate the rules and regulations approved by the Commission.

Section 17. (a) The Commission may use funds appropriated by the Texas Legislature for personnel and other administrative expenses necessary to carry out the provisions of the Act.

(b) Libraries and library systems may use state grants for materials; for personnel, equipment, and administrative expenses; and for financing programs which enrich the services and materials offered a community by its public library.

(c) State grants may not be used for site acquisition, construction, or for acquisition, maintenance, or rental of buildings, or for payment of past debts.

(d) State aid to any free tax-supported public library is a supplement to and not a replacement of local support.

(e) Exclusive of the expenditure of funds for administrative expenses as provided in Section 17(a) of this

Act, all funds appropriated pursuant to Section 14 of this Act shall be apportioned among the major resource systems on the following basis:

Twenty-five percent of such funds shall be apportioned equally to the major resource systems and the remaining seventy-five percent shall be apportioned to them on a per capita basis determined by the last decennial census.

Section 18. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. Acts 1969, 61st Leg., p. 61, ch. 24.

HISTORICAL RESOURCES

ARTICLE 6145-10. HISTORICAL RESOURCES DEVELOPMENT COUNCIL

Section 1. In order to encourage the best utilization of the unique historical resources of this state, there is herby created the Texas Historical Resources Development Council.

Section 2. The council shall consist of the following ex officio members: the executive director of the Texas State Historical Survey Committee, the director and librarian of the Texas State Library, the executive director of the Texas Tourist Development Agency, the director of the Travel and Information Division of the State Highway Department, the director of the Park Services Division of the Parks and Wildlife Department, and the chairman of the State Antiquities Committee. Membership on the council shall not be deemed to be an office within the meaning of the statutes and Constitution of the State of Texas. A majority of the members of the council shall constitute a quorum authorized to transact business of the council.

Section 3. The executive director of the Texas State Historical Survey Committee shall be the chairman of the council, and the director and librarian of the Texas State Library shall be the secretary.

Section 4. (a) The council shall establish communication between the Texas State Historical Survey Committe, the Texas State Library and Historical Commission, the Texas Tourist Development Agency, the State Highway Department, the Parks and Wildlife Department, and the State Antiquities Committee in order to coordinate the efforts by these agencies to develop and publicize the

historical resources of this state.

(b) The council shall make a continuous study of the means which state agencies and private promotional and historical organizations in Texas employ to develop and publicize the historical resources of this state.

(c) The Council shall solicit and consider suggestions from state officials, interested private citizens, and private promotional and historical organizations in Texas for improving the methods employed to develop and publicize the historical resources of this state.

(d) The council shall formulate recommendations for effective methods which may be used by state agencies and private promotional and historical organizations in Texas to develop and publicize the historical resources of this state.

(e) The council shall submit a complete and detailed report twice each calendar year to the governor and to the executive director of the Texas Legislative Council of all proceedings, findings, and recommendations of the Texas Historical Resources Development Council since its last preceding report.

(f) The council shall meet at least four times a year. Additional meetings may be held upon the call of the chairman or upon the written request of any two members of the council.

(g) The council may utilize the services and facilities of the Texas State Historical Survey Committee, the Texas State Library and Historical Commission, the Texas Tourist Development Agency, the State Highway Department, the Parks and Wildlife Department, and the State Antiquities Committee, and such services and facilities may be made available on request to the extent practicable without reimbursement therefor.

Section 5. No compensation shall be paid to the members of the council for their services as members. Acts 1971, 62nd Leg., p. 1730, ch. 502.

TAXATION

ARTICLE 7150. EXEMPTION FROM TAXATION

Section 1. That Section 22a to hereafter read as follows:

"Section 22a. All real and personal property owned by nonprofit corporations (as defined in the Texas Nonprofit Corporation Act) which property is reasonably necessary for, and used for, the promotion of any of the following purposes shall be exempt from all ad valorem taxation:

"(1) Libraries and archival institutions;

"(2) Zoos;
"(3) Restoration and preservation of historic houses, structures and landmarks;
"(4) Symphony orchestras, choirs, and chorals;
"(5) Theaters of the dramatic arts, historical pageants;
"(6) Ecological laboratories used solely by public and private colleges and universities within the State." Added Acts 1943, 48th Leg., p. 472, ch. 316, sec. 1; Amended Acts 1967, 60th Leg., p. 855, ch. 363, sec. 22; Amended Acts 1971, 62nd Leg., p. 2804, ch. 907.

INSURANCE CODE

ARTICLE 17.01 COUNTY MUTUAL INSURANCE COMPANIES: DEFINITIONS

County Mutual Insurance Companies are companies organized for the purpose of insurance on the mutual or cooperative plan against loss or damage by fire, lightning, gas explosiion, theft, windstorm and hail, and for all or either of such purposes.

Unless they are restricted by their charters, they may write insurance against said hazards:

(a) On both rural and urban dwellings and attendant outhouses and yard buildings and all their contents for home and personal use--including . . . libraries; . . . Acts 1951, 52nd Leg., ch. 491.

PENAL PROVISIONS

(Texas Penal Code, 1925, as amended through 1971)

SECTION 4.05. (Education Code) IMPROPER PAYMENT OF SALARIES

Any employee of the state or of any district, county, city, town, or school, who may be responsible for the payment of the salary of any county judge acting as ex officio county superintendent of public schools, or of any county, district, or town superintendent or principal, or other school officer, or any teacher, librarian, assessor, county treasurer, treasurer of county school depository, or treasurer of school district depository, after notice by the commissioner of education that the person has failed to comply with the provisions of Section 21.254 of this code shall be guilty of a misdemeanor and upon conviction shall be fined not less than $50 nor more than $500. Acts 62nd Leg., ch. 1024, p. 3341.

SECTION 21.252 (Education Code) REPORTS TO COMMISSIONER

The commissioner of education shall require of judges acting as ex-officio county superintendents of public schools, of county, city and town superintendents, of county and city treasurers and depositories, and of treasurers and depositories of school boards, and of other school officers and teachers, such school reports relating to the school fund and to other school affairs as he may deem proper for collecting information and advancing the interests of the public schools, and shall furnish the county, city, and town superintendents, treasurers and depositories, and other school officers and teachers for the use of such teachers and officers the necessary blanks and forms for making such reports and carrying out such instructions as may be required of them. Acts 62nd Leg., ch. 994, p. 3009.

SECTION 21.253 (Education Code) REGISTRATION CARD

All teachers, librarians, school presidents, superintendents, principals, or other school officers employed by all schools supported wholly or partly by the state, shall fill out and send to the State Department of Education, before the expiration of the first school month of each annual session, a registration card, supplied by the State Department of Education, which card shall furnish blanks for useful statistical information; and the teachers, librarians, school presidents, superintendents, and principals shall not be paid the salary for the first month's services, except on the presentation of a receipt certifying that the registration card has been received by the State Department of Education. Acts 62nd Leg., ch. 994, p. 3009.

SECTION 21.254 (Education Code) WITHHOLDING OF SALARY

The monthly salary of any county judge acting as ex-officio county superintendent of public schools, or any county, district, city or town superintendent, or principal or any teacher or librarian in any school supported wholly or partly by the state, or any assessor, county treasurer, treasurer in county school depository or treasurer of any school district depository, shall be withheld by the officials or authorities paying the said salary, on notification by the commissioner of education that the county judge, acting as ex-officio county superintendent of public schools, or the county, district, city, or town superintendent or principal, teacher, librarian, assessor, county treasurer, treasurer of county school depository or treasurer of school district depository has refused or failed to make the reports required of him; provided, that this notification shall not be sent by the

commissioner of education until at least two written requests have been made for the desired information and until 30 days have elapsed from the time of the first request without the receipt of the information required; in such case the aforesaid monthly salary shall be withheld until a notice is received from the commissioner of education, certifying that the information requested has been furnished by the delinquent person. Acts 62nd Leg., ch. 994, p. 3009.

ARTICLE 534b. PROTECTION OF MINORS FROM HARMFUL MATERIALS

[*See Section 13 (c) and (d) for application to library.*]

Section 1. This Act shall be known as Texas Law on the Protection of Minors from Harmful Materials, and may be referred to by that designation.

Section 2. During the past several years the sale or distribution of harmful materials to minors has become a matter of increasingly grave concern to the people of this state. The elimination of such sales and the consequent protection of minors from harmful materials are in the best interests of the morals and general welfare of the citizens of this state, in general, and of minors in this state, in particular. The accomplishment of these ends can best be achieved by providing public prosecutors (a) with a speedy civil remedy for obtaining a judicial determination of the character and contents of publications, (b) with an effective power to enjoin promptly the sale of harmful materials to minors, and (c) with an effective power to commence criminal proceedings against persons who regularly engage in the sale of harmful materials to minors.

Section 3. (a) "Minor" means any person under the age of eighteen years.

(b) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.

(c) "Sexual conduct"means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

(d) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(e) "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered,

bound or otherwise physically restrained on the part of one so clothed.

(f) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

(i) predominantly appeals to the prurient, shameful or morbid interest of minors, and

(ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and

(iii) is utterly without redeeming social importance for minors.

(g) "Knowledge of the nature of the material" means:

(i) knowledge of the character and content of any material described herein, or

(ii) knowledge of information that the material described herein has been adjudged to be harmful to minors in a proceeding instituted pursuant to Section 4 or Section 12 of this Act, or is the subject of a pending proceeding instituted pursuant to Section 4 or Section 12 of this Act.

(h) "Knowledge of the minor's age" means:

(i) knowledge or information that the person is a minor, or

(ii) reason to know, or a belief or ground for belief which warrants further inspection or inquiry of the age of the minor.

(i) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(j) "Harmful material" means:

(i) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse, and which is harmful to minors, or

(ii) any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains (A) any matter enumerated in the preceding Subsection (3 (j) (i)) hereof, or (b) explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which, taken as a whole, is harmful to minors.

Section 4. (a) Whenever the Attorney General of the State or the district, county, or city attorney within their respective jurisdictions has reasonable cause to believe that any person (i) is engaged in selling harmful

material to minors, or (ii) may become engaged in selling harmful material to minors, the Attorney General or the district, county, or city attorney within their respective jurisdictions in which such material is offered for sale shall institute an action in the district court for that jurisdiction for adjudication of the question of whether such material is harmful to minors.

(b) The provisions of the Texas Rules of Civil Procedure and all existing and future amendments of said Texas Rules of Civil Procedure and modifications thereof, and the rules now or hereafter adopted pursuant to said Texas Rules of Civil Procedure, shall apply to all proceedings herein except as otherwise provided in this Act.

Section 5. The action authorized by Section 4 shall be commenced by the filing of a verified petition. If the allegedly harmful material is written or printed, a true copy shall be attached to the petition as an exhibit. If the allegedly harmful material is not written or printed, an affidavit describing such material shall be attached to the petition as an exhibit. The petition shall:

(a) be directed against the allegedly harmful material by name or description;

(b) allege that the alleged material is harmful to minors;

(c) designate as respondents and list the names and addresses, if known, of any person in this state preparing, selling or commercially distributing the allegedly harmful material to minors, or giving away or offering to give away the allegedly harmful material to minors, or possession of such allegedly harmful material with the apparent intent to sell or commercially distribute or give away or offer to give away such allegedly harmful material to minors;

(d) seek an adjudication that the alleged material is harmful to minors; and

(e) seek a permanent injunction against any respondent prohibiting him from selling, commercially distributing or giving away such allegedly harmful material to minors or from permitting minors to inspect such allegedly harmful material.

Section 6. (a) Upon the filing of the petition described in Section 5, the Attorney General or district, county, or city attorney within their respective jurisdictions, as the case may be, shall present the same, together with the material attached thereto, as soon as practicable to the court for its examination and reading.

(b) If after such examination and reading the court finds no probable cause to believe such material to be harmful to minors, the court shall cause an endorsement

to that effect to be placed and dated upon the petition and shall thereupon dismiss the action.

(c) If after such examination and reading the court finds probable cause to believe such material to be harmful to minors, the court shall cause an endorsement to that effect to be placed and dated upon the petition whereupon it shall be the responsibility of the Attorney General or the district, county, or city attorney within the respective jurisdictions, as the case may be, promptly to request the clerk of the court to issue citation and to copy such endorsement upon such number of duplicates of such petition as are needed for the service of citation, to each copy of which citation shall be attached a copy of such petition as so endorsed. Service of such citation and endorsed petition shall be made upon the respondents thereto in any manner provided by law.

Section 7. (a) On or before the return date, specified in the citation issued pursuant to Section 6, or within ten days after receiving notice of the issuance of such citation, the author, publisher or any person interested in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution, or any person in this state preparing, selling, exhibiting or commercially distributing, or possessing with intent to sell or commercially distribute or exhibit, the material exhibited to the endorsed petition, may appear and may intervene as a respondent and file an answer.

(b) If, after service of citation has been effected upon all respondents, no person appears and files an answer on or before the return date specified in the citation, the court may forthwith adjudge whether the material so exhibited to the endorsed petition is harmful to minors and enter an appropriate final judgment.

(c) Upon the expiration of the time for filing answers by all respondents, the court shall, upon its own motion, or upon the application of any party who has appeared and filed an answer, set a date for the trial of the issue joined.

Section 8. (a) The public policy of this state requires that all proceedings prescribed in this Act, other than criminal actions under Section 12, be heard and disposed of with the maximum promptness and dispatch commensurate with constitutional requirements, including due process, freedom of the press and freedom of speech. The rules of civil procedure pertaining to equity cases shall be applicable, except as hereinafter provided , to the trial of the issues framed by the petition and answers.

(b) Every person appearing and answering shall be entitled, upon application and payment of fee or affidavit,

to a trial of any fact issue by a jury whose verdict shall have the same effect as in cases at law as to any issue of fact.

Section 9. In the event that the court or jury, as the case may be, finds the material exhibited to the petition not to be harmful to minors, the court shall enter judgemnt accordingly and shall dismiss the petition. In the event that the court or jury, as the case may be, finds the material exhibited to the petition to be harmful to minors, the court shall enter judgement to such effect and may, in such judgment or in subsequent orders of enforcement thereof, enter a permanent injunction against any respondent prohibiting him from selling, commercially distributing or giving away the material exhibited to the petition to minors or from permitting minors to inspect the material exhibited to the petition.

Section 10. (a) In any action in which an injunction is sought under this Act, any respondent named in the petition, or any person who becomes a respondent by virtue of intervention pursuant to Section 7 hereof, shall be entitled to a trial of the issues within one day after joinder of issue, and a decision shall be rendered by the court or jury, as the case may be, within two days of the trial, exclusive of Saturday, Sunday and holidays. If the issues are being tried before a jury and the jury shall not able to render a decision within two days of the conclusion of the trial, then with the consent of all parties and notwithstanding any other provision of this Act, the jury shall be dismissed and a decision shall be rendered by the court within two days of the conclusion of the trial.

(b) No preliminary injunction shall be issued without at least two days' notice to the respondents.

(c) If the court, pursuant to Section 6, finds probable cause to believe the exhibited material to be harmful to minors, and so endorses the petition, the court may, upon the motion of the Attorney General or the district, county, or city attorney within their respective jurisdictions, as the case may be, issue a temporary restraining order against any respondent prohibiting him from selling, commercially distributing or giving away such exhibited material to minors or from permitting minors to inspect such exhibited material. No temporary restraining order shall be granted without notice to the respondents unless it clearly appears from specific facts shown by affidavit or by the verified petition that one or more of the respondents are engaged in the sale of harmful material to minors and that immediate and irreparable injury to the morals and general welfare of minors in this State will result before notice can be served and

a hearing had thereon. Every temporary restraining order shall be endorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered on record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its own terms within such time after entry, not to exceed three days, as the court fixes unless within the time so fixed the respondent against whom the order is directed consents that it may be extended for a longer period. In the event that a restraining order is granted without notice, a motion for a preliminary injunction shall be set down for hearing within two days after the granting of such order and shall take precedence over all matters except older matters of the same character; and when the motion comes on for hearing, the Attorney General or the district, county, or city attorney within the respective jurisdictions, as the case may be, shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order.

Section 11. Any respondent, or any officer, agent, servant, employee or attorney of such respondent, or any person in active concert or participation by contract or arrangement with such respondent, who receives actual notice, by personal service or otherwise, of any injunction or restraining order entered pursuant to Section 9 or 10, and who shall disobey any of the provisions thereof, shall be guilty of contempt of court and after notice and a hearing the court may punish such person by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment not to exceed two (2) years, or both.

Section 12. (a) Subject to the provisions of the following Subsection hereof (12(b)), every person who, with knowledge of the nature of the material, and with knowledge of the minor's age, sells or loans for monetary consideration to a minor any material which is harmful to minors shall be fined not more than Two Thousand Five Hundred and no/100 Dollars ($2,500.00) nor imprisoned in the county jail more than two (2) years or both.

(b) No criminal proceeding shall be commenced against any person pursuant to the provisions of the preceeding Subsection hereof (12(a)) unless, prior to the sale or loan which is the subject of such proceeding, such person:

(i) has written notice from the Attorney General or the district, county, or city attorney within their respective jurisdictions, as the case may be, that the material which is the subject of such proceeding has been adjudged harmful to minors pursuant to the provisions of this Section (12) or of Section 9, or

(ii) has been subject to an order entered pursuant to Section 9 prohibiting such person from selling, commercially distributing or giving away to minors, or from permitting minors to inspect (A) the harmful material which is the subject to such criminal proceeding, or (B) any other harmful material.

Section 13. No person shall be guilty of a contempt pursuant to the provisions of Section 11 or shall be subject to prosecution pursuant to the provisions of Section 12:

(a) for any sale to a minor where such person had reasonable cause to believe that the minor involved was eighteen years old or more, and such minor exhibited to such person a draft card, driver's license, birth certificate or other official or apparently official documents purporting to establish that such minor was eighteen years old or more;

(b) for any sale where a minor is accompanied by a parent or guardian, husband or wife, or accompanied by an adult and such person has no reason to suspect that the adult accompanying the minor is not the minor's parent or guardian, husband or wife;

(c) where such person is a bona fide school, museum or public library or is acting in his capacity as an employee of such organization or as a retail outlet affiliated with and serving the educational purposes of such organization.

(d) for any sale of any material which is on any approved school list or which is available in public or school libraries.

(e) for any sale if such matter shall be regularly in use in any bona fide religious, educational or scientific institution or the subject of a bona fide scientific investigation.

Section 14. In the event that any person who is found guilty of a contempt pursuant to the provisions of Section 11 or guilty of a misdemeanor pursuant to the provisions of Section 12 cannot be found in this state, the executive authority of this state, being the Governor or any person performing the functions of Governor by authority of the law of this state, shall, unless such person shall have appealed from the judgment of contempt or conviction, as the case may be, and such appeal has not been finally determined, demand his extradition from the executive authority of the state in which said person may be found, pursuant to the law of this state.

Section 15. If any provisions, clause, sentence, paragraph, section, phrase or part of this Act, or the application thereof to any person or circumstance, is

held invalid, that invalidity shall not affect any other provisions, clauses, sentences, paragraphs, sections, phrases, parts or applications of this Act which can be given effect without the invalid provisions, clause, sentence, paragraph, section, phrase, part or application. To this end the provisions, clauses, sentences, paragraphs, sections, phrases and parts of this Act are declared to be severable.

Section 16. All Acts and parts of Acts inconsistent or in conflict with this Act are, to the extent of their inconsistency or conflict, hereby repealed. This Section shall not be construed to affect any suits pending or rights existing or any liability or penalty incurred under those Acts at the time this Act shall take effect. Acts 1969, 61st Leg., p. 850, ch. 284; Sec. 4 amended by Acts 1971, 62nd Leg., p. 2725, ch. 887, Sec. 4; Secs. 6, 10(c), 12(b) amended by Acts 1971, 62nd Leg., p. 2725, ch. 887, sec. 5,6,7.

ARTICLE 1366. INJURING OR DEFACING LIBRARY PROPERTY

Whoever wilfully injures or defaces any book, newspaper, magazine, pamphlet manuscript, or other property belonging to any public library, reading room, museum or other educational institution, by writing, marking, tearing, breaking, or otherwise mutilating, shall be fined not exceeding twenty-five dollars. Acts 2nd C.S. 1919, p. 155.

ARTICLE 1367. DETAINING BOOK, ETC.

Whoever wilfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum, or other educational institution for thirty days after notice in writing to return the same, given after the expiration of the time which by the rules of such institution such property may be kept, shall be fined not less than one or more than twenty-five dollars. Acts 1913, p. 281.

USE OF BUILDINGS

ARTICLE 678g. PUBLIC BUILDINGS---CONSTRUCTION FOR USE BY PHYSICALLY HANDICAPPED PERSONS

Section 1. The provisions of this Act are enacted to further the policy of the State of Texas to encourage and promote the rehabilitation of handicapped or disabled citizens. It is the intent of this Act to eliminate, insofar as possible, unnecessary barriers encountered by aged, handicapped or disabled persons, whose ability to

engage in gainful occupations or to achieve maximum personal independence is needlessly restricted when such persons cannot readily use public buildings.

Section 2. (a) The standards and specifications set forth in this Act shall apply to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. To such extent as is not contraindicated by federal law or beyond the state's power of regulation, these standards shall also apply to buildings and facilities constructed in this state through partial or total use of federal funds. All buildings and facilities constructed in this state, or substantially renovated, modified, or altered, after the effective date of this Act from any one of these funds or any combination thereof shall conform to each of the standards and specifications prescribed herein except where the governmental department, agency, or unit concerned shall determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable. Where it is determined that full compliance with any particular standard or specification is impractical, the reasons for such determination shall be set forth in written form by those making the determination and forwarded to the State Building Commission. If it is determined that full compliance is not practicable, there shall be substantial compliance with the standard or specification to the maximum extent practical, and the written record of the determination that it is impractical to comply fully with a particular standard or specification shall also set forth the extent to which an attempt will be made to comply substantially with the standard or specification.

(b) These standards and specifications shall be adhered to in those buildings and facilities under construction on the effective date of this Act, unless the authority responsible for the construction shall determine that the construction has reached a state where compliance is impractical. This Act shall apply to temporary or emergency construction as well as permanent buildings.

Section 3. (a) This Act is concerned with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of coordination and aging.

(b) It is intended to make all buildings and facilities covered by this Act accessible to, and functional for, the physically handicapped to, through, and within their doors, without loss of function, space, or facilities where the general public is concerned.

Section 4. For the purpose of this Act the following terms have the meanings as herein set forth:

(1) "Nonambulatory disabilities" means impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.

(2) "Semiambulatory disabilities" means impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory. The listing here made is illustrative and shall not be construed as being exhaustive.

(3) "Sight disabilities" means total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

(4) "Hearing disabilities" means deafness or hearing handicaps that might make an individual insecure in a public area because he is unable to communicate or hear warning signals.

(5) "Disabilities of coordination" means faulty coordination or palsy from brain, spinal, or peripheral nerve injury.

(6) "Aging" means those manifestations of the aging processes that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories.

(7) "Standard," when this term appears in small letters, is descriptive and means typical type.

(8) "Fixed turning radius, wheel to wheel" means the tracking of the caster wheels and large wheels of a wheelchair when pivoting on a spot.

(9) "Fixed turning radius, front structure to rear structure" means the turning radius of a wheelchair, left front-foot platforms to right rear wheel, or right front-foot platform to left rear wheel when pivoting on a spot.

(10) "Involved (involvement)" means a portion or portions of the human anatomy or physiology, or both, that have a loss or impairment of normal function as a result of genesis, trauma, disease, inflammation, or degeneration.

(11) "Ramps, ramps with gradients" means ramps with gradients (or ramps with slopes) that deviate from what would otherwise be considered the normal level. An exterior ramp, as distinguished from a "walk," shall be considered an appendage to a building leading to a level above or below existing ground level. As such, a ramp shall meet certain requirements similar to those imposed upon stairs.

(12) "Walk, walks" means a predetermined, prepared-

surface, exterior pathway leading to or from a building or a facility, or from one exterior area to another, places on the existing ground level and not deviating from the level of the existing ground immediately adjacent.

(13) "Appropriate number" means the number of a specific item that would be reasonably necessary, in accord with the purpose and function of a building or a facility, to accommodate individuals with specific disabilities in proportion to the anticipated number of individuals with disabilities who would use a particular building or facility.

Section 5. The following design criteria shall be applicable:

(1) The collapsible-model wheelchair of tubular metal construction with plastic upholstery for back and seat is most commonly used. The standard model of all manufacturers falls within the following limits, which are used as the basis on consideration:

(A) Length: 42 inches

(B) Width, when open: 25 inches

(C) Height of seat from floor: 19-1/2 inches

(D) Height of armrest from floor: 29 inches

(E) Height of pusher handles (rear) from floor: 36 inches

(F) Width, when collapsed: 11 inches

(2) The fixed turning radius of a standard wheelchair, wheel to wheel, is 18 inches. The fixed turning radius, front structure to rear structure, is 31.5 inches.

(3) The average turning space required by a person in a wheelchair (180 to 360 degrees) is 60 x 60 inches. A turning space of 63 x 56 inches may at times prove more workable and desirable.

(4) A minimum width of 60 inches is required for two individuals in wheelchairs to pass each other.

(5) In a wheelchair the average unilateral vertical reach is 60 inches and ranges from 56 to 78 inches.

(6) The average horizontal working (table) reach of a person in a wheelchair is 30.8 inches and ranges from 28.5 inches to 33.2 inches.

(7) The bilateral horizontal reach, both arms extended to each side, shoulder high, of a person in a wheelchair, ranges from 54 inches to 71 inches and averages 64.5 inches.

(8) An individual reaching diagonally (from a wheelchair) as would be required in using wall-mounted dial telephones or towel dispenser, would make the average reach (on the wall) 48 inches from the floor.

(9) Most individuals ambulating on braces or crutches, or both, or on canes are able to manipulate within the

specifications prescribed for wheelchairs, although doors present quite a problem at times. However, a crutch tip extending laterally from a individual is not obvious to others in heavily trafficked areas, and not as obvious or protective as a wheelchair and is, therefore, a source of vulnerability.

(10) On the average, individuals 5 feet 6 inches tall require an average of 31 inches between crutch tips in the normally accepted gait.

(11) On the average, individuals 6 feet 0 inches tall require an average of 32.5 inches between crutch tips in the normally accepted gait.

Section 6. (a) The ground shall be graded, even contrary to existing topography, so that it attains a level with a normal entrance and will make a facility accessible to individuals with physical disabilities.

(b) Public walks shall be at least 48 inches wide and shall have a gradient not greater than 5 percent. These walks shall be of continuing common surface, not interrupted by steps or abrupt changes in level. Whenever walks cross other walks, driveways, or parking lots they shall blend to a common level. A walk shall have a level platform at the top which is at least 5 feet by 5 feet if a door swings out onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway. A walk shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the walk. This platform shall extend at least one foot beyond each side of the doorway.

(c) Spaces in parking lots that are accessible to the building or facility shall be set aside and identified for use by individuals with physical disabilities. An adequate parking space is one that is open on one side and which allows room for individuals in wheelchairs or individuals with braces and crutches to get in and out of an automobile onto a level surface, suitable for wheeling and walking. Parking spaces for individuals with physical disabilities when placed between two conventional diagonal or head-on parking spaces shall be 12 feet wide. Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars. Consideration shall be given to the distribution of spaces for use by the disabled, in accordance with frequency and regularity of their parking needs. Walks shall be in conformity with Section 6 (b) of this Act.

Section 7. (a) Where ramps with gradients are necessary or desired, they shall conform to the following specifications:

(1) A ramp shall not have a slope greater than one

foot rise in 12 feet, or 8.33 percent, or 4 degrees 50 minutes.

(2) A ramp shall have handrails on at least one side, and preferably two sides, that are 32 inches in height, measured from the surface of the ramp, that are smooth, that extend one foot beyond the top and bottom of the ramp, and that as far as practicable conform with American Standard Safety Code for Floor and Wall Openings, and Toe Boards as promulgated by the American Standards Association, Inc.

(b) Ramps shall have a surface that is nonslip. A ramp shall have a level platform at the top which is at least 5 feet by 5 feet, if a door swings out onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. A ramp shall have a level platform at least 3 feet deep and 5 feet wide, if the door does not swing onto the platform or toward the ramp. This platform shall extend at least one foot beyond each side of the doorway. Each ramp shall have at least 6 feet of straight clearance at the bottom. Ramps shall have level platforms at 30 foot intervals for purposes of rest and safety and shall have level platforms wherever they turn.

Section 8. At least one primary entrance to each building shall be useable by individuals in wheelchairs. At least one entrance useable by individuals in wheelchairs shall be on a level that would make the elevators accessible.

Section 9. Doors shall have a clear opening of no less than 32 inches when open and shall be operable by a single effort. The floor on the inside and outside of each doorway shall be level for a distance of 5 feet from the door in the direction the door swings and shall extend one foot beyond each side of the door. Sharp inclines and abrupt changes in level shall be avoided at doorsills. As much as practicable, thresholds shall be flush with the floor.

Section 10. Stairs shall conform to standards of the American Standards Association, Inc., with the following additional considerations: Steps in stairs shall be designed wherever practicable so as not to have abrupt (square) nosing. Stairs shall have handrails 32 inches high as measured from the tread at the face of the riser. Stairs shall have at least one handrail that extends at least 18 inches beyond the top step and beyond the bottom step. Steps should, wherever possible, and in conformation with existing step formulas, have risers that do not exceed 7 inches.

Section 11. Floors shall wherever practicable have a surface that is nonslip. Floors on the same story

shall be of a common level throughout or be connected by a ramp in accord with Section 7 (a) through the first paragraph of Section 7 (b), inclusive.

Section 12. (a) An appropriate number of toilet rooms, in accordance with the nature and use of a specific building or facility, shall be accessible to, and useable by, the physically handicapped.

(b) Toilet rooms shall have space to allow traffic of individuals in wheelchairs, in accordance with Section 5.

(c) Toilet rooms shall have at least one toilet stall that

(1) is 3 feet wide

(2) is at least 4 feet 8 inches, preferably 5 feet deep

(3) has a door (where doors are used) that is 32 inches wide and swings out

(4) has handrails on each side, 33 inches high and parallel to the floor, 1-1/2 inches in outside diameter, with 1-1/2 inches clearance between rail and wall, and fastened securely at ends and center

(5) has a water closet with the seat 20 inches from the floor.

(d) Toilet rooms shall have lavatories with narrow aprons, which when mounted at standard height are useable by individuals in wheelchairs, or shall have lavatories mounted higher, when particular designs demand, so that they are useable by individuals in wheelchairs.

(e) Mirrors and shelves shall be provided above lavatories at a height as low as practicable and no higher than 40 inches above the floor, measured from the top of the shelf and the bottom of the mirror.

(f) Toilet rooms for men shall have an appropriate number of wall-mounted urinals with the opening of the basin 19 inches from the floor, or shall have floor-mounted urinals that are on level with the main floor of the toilet room.

(g) Toilet rooms shall have an appropriate number of towel racks, towel dispensers, and other dispensers and disposal units mounted no higher than 40 inches from the floor.

Section 13. (a) An appropriate number of water fountains or other water-dispensing means shall be accessible to, and useable by, the physically disabled.

(b) Water fountains or coolers shall have up-front spouts and controls. Water fountains or coolers shall be hand-operated or hand-and foot-operated.

Section 14. (a) An appropriate number of public telephones shall be made accessible to, and useable by, the physically disabled.

(b) Such telephones shall be placed so that the dial and the handset can be reached by individuals in wheelchairs.

(c) An appropriate number of public telephones shall be equipped for those with hearing disabilities and so identified with instructions for use.

Section 15. Elevators shall be provided and shall be accessible to, and useable by, the physically disabled at all levels normally used by the general public. Elevator control buttons shall have identifying features for the benefit of the blind. Elevators shall allow for traffic by wheelchairs.

Section 16. Switches and controls for light, heat, ventilation, windows, draperies, fire alarms, and all similar controls of frequent or essential use, shall be placed within the reach of individuals in wheelchairs.

Section 17. Appropriate identification of specific facilities within a building used by the public is essential to the blind. Raised letters or numbers shall be used to identify rooms and offices. Identification shall be placed on the wall, to the right or left of the door, at a height between 4 feet 6 inches and 5 feet 6 inches measured from the floor, and preferably at 5 feet. Doors that are not intended for normal use, and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by knurling the door handle or knob.

Section 18. (a) Audible warning signals shall be accompanied by simultaneous visual signals for the benefit of those with hearing disabilites.

(b) Visual signals shall be accompanied by simultaneous audible signals for the benefit of the blind.

Section 19. (a) Every effort shall be exercised to obviate hazards to individuals with physical disabilities.

(b) Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when in use, and shall be avoided where possible.

(c) When manholes or access panels are open and in use, or when an open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides, at least 8 feet from the hazard, the warning devices shall be installed in accord with the provisions of Subsection (b) of this section.

(d) Low-hanging door closers that are within the opening of a doorway when the door is open, or that protrude hazardously into regular corridors, or traffic ways when the door is closed, shall be avoided.

(e) Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude into regular

corridors or traffic ways shall be avoided. A minimum height of 7 feet, measured from the floor, shall be had.

(f) Lighting on ramps shall be at least equal to that prescribed by the specifications of American Standards Association, Inc. Exit signs shall be in accordance with specifications of American Standards Association, Inc., except as modified by Section 8 of this Act.

Section 20. (a) The responsibility for administration and enforcement of this Act shall reside primarily in the State Building Commission, but the State Building Commission shall have the assistance of appropriate state rehabilitation agencies in carrying out its responsibilities under this Act. State agencies involved in extending direct services to disabled or handicapped persons are authorized to enter into interagency contracts with the State Building Commission to provide such additional fundings as might be required to insure that service objectives and responsibilities of such agencies are achieved through the administration of this Act. In enforcing this Act the State Building Commission shall also receive the assistance of all appropriate elective or appointive public officials. The State Building Commission shall from time to time inform professional organizations and others of this law and its application.

(b) The State Building Commission shall have all necessary powers to require compliance with its rules and regulations and modifications thereof and substitutions therefore, including powers to institute and prosecute proceedings in the District Court to compel such compliance, and shall not be required to pay any entry or filing fee in connection with the institution of such proceeding.

(c) The State Building Commission is authorized to promulgate such rules and regulations as might reasonably be required to implement and enforce this Act. The State Building Commission, after consultation with state rehabilitation agencies, is also authorized to waive any of the standards and specifications presently set forth in this Act and to substitute in lieu thereof standards or specifications consistent in effect to such standards or specifications as might be adopted by the American Standards Association, Inc. (or its federally-recognized successor in function) subsequent to the effective date of this Act.

(d) The respective governing boards of state-supported institutions of higher education are responsible for enforcement of this Act on all properties under their jurisdiction. In all other instances, the responsibility for enforcement of this Act shall be in the State Building Commission.